

From: [David Glenn Phillips](#)
To: [Cendrosky, Sharlee](#)
Cc: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: RE: NLRB Case 08-CA-237257 Case Western Reserve University- Division of Public Safety (b) (6), (b) (7)(C), (b) (7)(D)
Date: Friday, March 8, 2019 10:03:13 AM

Ms. Cendrosky,

March 12th is the only day I'm available. I'll confirm with (b) (6), (b) (7)(C), (b) (7)(D) and let you know.

David Glenn Phillips
Attorney at Law
The Brown Hoist Building
4403 St. Clair Avenue
Cleveland, Ohio 44103
(216) 531-0123
fax 216-881-3928
d.g.phillips@sbcglobal.net
civilrightslaw@sbcglobal.net

From: Cendrosky, Sharlee [<mailto:Sharlee.Cendrosky@nrlb.gov>]
Sent: Friday, March 08, 2019 6:48 AM
To: d.g.phillips@sbcglobal.net

RE: NLRB Case 08-CA-237257 Case Western Reserve University- Division of Public Safety (b) (6), (b) (7)(C), (b) (7)(D)

David Glenn,

I am the attorney assigned to investigate the charge you filed against Case Western Reserve University- Division of Public Safety in Case 08-CA-237257 alleging that (b) (6), (b) (7)(C), (b) (7)(D) was suspended in violation of Section 8(a)(3) of the Act.

We need to schedule an appointment for me to take evidence from (b) (6), (b) (7)(C), (b) (7)(D). During this appointment I will take an affidavit from (b) (6), (b) (7)(C), (b) (7)(D) and any other documents that you might have relating to the suspension/issue. If (b) (6), (b) (7)(C), (b) (7)(D) is a bargaining unit member, I will need a copy of the current collective bargaining agreement as well as a copy of any grievance that was filed on (b) (6), (b) (7)(C), (b) (7)(D) behalf.

I am available for an appointment on March 11th, 12th and 19th. Our office is located in Downtown Cleveland in the Federal Building. I anticipate that the appointment will take 2-3 hours. We could start as early as 9:00 am or as late as 12:00 pm on any of

these days. Please let me know which date works for you and (b) (6), (b) (7)(C), (b) (7)(D)

Thanks,

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374

Cell: 202-664-9892

Facsimile: 216-522-2418

From: [Cendrosky, Sharlee](#)
To: [David Glenn Phillips](#)
Subject: RE: NLRB Case 08-CA-237257 Case Western Reserve University- Division of Public Safety (b) (6), (b) (7)(C), (b) (7)(D)
Date: Friday, March 8, 2019 11:38:00 AM

Great. Make sure (b) (6), (b) (7)(C), (b) (7)(D) brings a State I.D. to enter the Federal Building. See you then.

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374
Cell: 202-664-9892
Facsimile: 216-522-2418

From: David Glenn Phillips <d.g.phillips@sbcglobal.net>
Sent: Friday, March 8, 2019 10:55 AM
To: Cendrosky, Sharlee <Sharlee.Cendrosky@nlrb.gov>
Cc: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: RE: NLRB Case 08-CA-237257 Case Western Reserve University- Division of Public Safety (b) (6), (b) (7)(C), (b) (7)(D)

Ms. Cendrosky,

Let's plan this for Tuesday March 12, 2019 at 11:30 a.m.

David Glenn Phillips
Attorney at Law
The Brown Hoist Building
4403 St. Clair Avenue
Cleveland, Ohio 44103
(216) 531-0123
fax 216-881-3928
d.g.phillips@sbcglobal.net
civilrightslaw@sbcglobal.net

From: Cendrosky, Sharlee [<mailto:Sharlee.Cendrosky@nlrb.gov>]
Sent: Friday, March 08, 2019 6:48 AM
To: d.g.phillips@sbcglobal.net
Subject: NLRB Case 08-CA-237257 Case Western Reserve University- Division of Public Safety (b) (6), (b) (7)(C), (b) (7)(D)

David Glenn,

I am the attorney assigned to investigate the charge you filed against Case Western Reserve University- Division of Public Safety in Case 08-CA-237257 alleging that (b) (6), (b) (7)(C), (b) (7)(D) was suspended in violation of Section 8(a)(3) of the Act.

We need to schedule an appointment for me to take evidence from (b) (6), (b) (7)(C), (b) (7)(D). During this appointment I will take an affidavit from (b) (6), (b) (7)(C), (b) (7)(D) and any other documents that you might have relating to the suspension/issue. If (b) (6), (b) (7)(C), (b) (7)(D) is a bargaining unit member, I will need a copy of the current collective bargaining agreement as well as a copy of any grievance that was filed on (b) (6), (b) (7)(C), (b) (7)(D) behalf.

I am available for an appointment on March 11th, 12th and 19th. Our office is located in Downtown Cleveland in the Federal Building. I anticipate that the appointment will take 2-3 hours. We could start as early as 9:00 am or as late as 12:00 pm on any of these days. Please let me know which date works for you and (b) (6), (b) (7)(C), (b) (7)(D)

Thanks,

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374
Cell: 202-664-9892
Facsimile: 216-522-2418



May 25, 2018

Baioni Corral, LLP
1497 E. 361st Street, Ste 3
Eastlake, OH 44095

Dear Kimberly Kendall Corral, Esq.;

Thank you for the opportunity to speak today regarding your client, (b) (6), (b) (7)(C). Based upon our conversation, we mutually agreed to resolve this matter regarding the 'Trespass Warning Notification' (#(b) (6), (b) (7)(C)) that was issued to your client (and (b) (6), (b) (7)(C)), on (b) (6), (b) (7)(C)/2018. This letter is to confirm our agreement that I will rescind and nullify this document in part and whole.

The action to rescind and nullify the 'Trespass Warning Notification' is a voluntary action by Notre Dame College Police Department, and performed in good faith to amicably resolve this matter. This voluntary action does not constitute, nor is it an admission of wrong doing, whether in part or whole, by Notre Dame College Police Department.

Also, based upon our conversation with respect to your public records request, you are now seeking only those records stated in line #4, and that all other documents, pursuant to that request, namely lines #1, #2, #3 and #5, are no longer requested. These document(s) will be sent to you in a timely manner, in compliance with Ohio Revised Code 149.43(B).

Again, thank you for the opportunity to discuss this matter and find mutual agreement to its resolve. Should you have any further questions, please do not hesitate to contact me at (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C)@ndc.edu.

Sincerely,

(b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C) Case Western Reserve University Police Department

4545 College Road, South Euclid, OH 44121
Dispatch Center Phone #: (216) 373-6212

Website: <http://www.notredamecollege.edu/resources-and-services/campus-safety-and-security>
Facebook: <https://www.facebook.com/#!/NotreDameCollegePD>

TRESPASS WARNING NOTIFICATION

Notre Dame College Police Dept.
4545 College Road
South Euclid, OH 44121
Dispatch: (216)373-5212

No (b) (6), (b) (7)(C)

First Name	Middle	Last Name
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)
Address		City
40 CWRU POLICE		CLAY
State		OH
Driver's License No.	State	Type License
Sex	Weight	Height
Hair	Eyes	Origin
Date and Time of Violation		CASE #
(b) (6), (b) (7)(C) 18		
Location		
4545 COLLEGE RD. — NOC		

ORDER AND WRITTEN NOTIFICATION STATEMENT

You are hereby being served, by this written notice, and are hereby officially served that you, the above listed person, are not permitted to be on any Notre Dame College property (owned or controlled), or within any building, structure or premises thereupon, or location controlled by Notre Dame College, whatsoever, effective immediately, for any reason.

Ohio Revised Code 2911.21(A)(4) states:

- (A) No person, without privilege to do so, shall do any of the following:
- (4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agency or servant of either.

If you violate this order or notice hereinafter, you will be arrested and incarcerated by Notre Dame College Police or by any other law enforcement agency having jurisdiction, and you will be subject to criminal charges and penalties for this and/or any other criminal action(s) you commit while in violation of this order. *VALID FROM:*

By Order of the Chief of Police, (b) (6), (b) (7)(C) 2018 TO (b) (6), (b) (7)(C) 2023

(b) (6), (b) (7)(C) JAMES A. BY: (b) (6), (b) (7)(C) 2020

OFFICER

(b) (6), (b) (7)(C)

RADGE#
(b) (6), (b) (7)(C)

DATE OF NOTIFICATION

TIME OF SERVICE

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, May 02, 2018 5:28 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)
Subject: Incident involving (b) (6), (b) (7)(C) officers - statements and TWN notices
Attachments: SKM_36818050214060.pdf; SKM_36818050215380.pdf; SKM_36818050215390.pdf
Importance: High

(b) (6), (b) (7)(C)

First, thank you for your time to discuss the matter involving your officers: (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C).

After interviews and discussions regarding the matter, the actions of both officers were determined to be unbecoming a police officer(s) and a jeopardy to the (b) (6), (b) (7)(C) conducted by (b) (6), (b) (7)(C) at Notre Dame College, as well as in bad taste for entering a bar establishment (to wit: Bar Louie in Legacy Mall) while in full duty uniform, while they were expected to be with the group at California Pizza Kitchen. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was able to retrieve them from the bar and get them back with the group. Again, while it may not be a direct violation policy (as that is what they believe to be the case), as we discussed, the actions perception alone could and did reflect negatively upon my agency and (b) (6), (b) (7)(C) while they were (b) (6), (b) (7)(C) here.

The actions of the officers (the potentially racially insensitive statement) was a gross violation of college policy.

As a result, both officer (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are banned from Notre Dame College property for period of 5 years from this date as result of their actions. They will not be permitted to enter the campus nor will they be permitted to participate in any training my agency conducts, supports or hosts during this same time span (see attached Trespass Warning Notices and please pass these along to them for their reference). They will be permitted to petition my office for a waiver and reconsideration within 2 years of this date, should they desire to come back for training we may be offering. This will be handled on a case by case basis, with your direct consolation.

Thank you for your prompt attention to this matter and your understanding. We do look forward to working with you and your agency and certainly welcome your officers to come and participate in training at NDC. You and your agency have always been good partners and I am sorry this situation, while isolated, occurred, but glad we can move past this and continue our mutually beneficial relationship.

If you need anything additional, please do not hesitate. All records pertaining to this matter have been placed in the training file for this individual program.

I have cc'd (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) on this email.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Notre Dame College Police Department
4545 College Road

South Euclid, OH 44121



Desk Phone: (b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

Email: (b) (6), (b) (7)(C)@ndc.edu

Web: <http://www.notredamecollege.edu/resources-and-services/campus-safety-and-security>

Facebook: <https://www.facebook.com/#!/NotreDameCollegePD>

CAUTION: FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE: This message may contain law enforcement sensitive information. Do not disseminate, which includes forwarding the contents of this message, without the approval of the sender. If you are not the intended addressee, or the person responsible for delivering it to the intended addressee, you may not copy or deliver it to anyone else or use it in any unauthorized manner. To do so is prohibited and may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply function in your e-mail software and delete the email immediately from your server.

Events of Sunday morning:

- We were approached by (b) (6), (b) (7)(C) first thing, and asked what we were doing at the other restaurant (during our unpaid lunch hour on the (b) (6), (b) (7)(C)). We responded that we were getting food. (b) (6), (b) (7)(C) stated, "I have to ask: were you drinking?" I responded, "Absolutely not." I stated that we had only just sat down, were served waters, and had placed an order for burgers moments before (b) (6), (b) (7)(C) came in and said we weren't allowed to eat there. We canceled our order, left the restaurant, and I apologized to (b) (6), (b) (7)(C), stating I was unaware that we were not allowed to eat separately from the group, to which (b) (6), (b) (7)(C) responded, "It's implied."
- (b) (6), (b) (7)(C) stated, "Well, we have another issue," and (b) (6), (b) (7)(C) asked me if I "made a racial slur" during the (b) (6), (b) (7)(C). I emphatically denied making any such statement. (b) (6), (b) (7)(C) stated, **"It doesn't matter; (b) (6), (b) (7)(C) said you are kicked out of the (b) (6), (b) (7)(C) At that point, I insisted on being told who had made this allegation against me, and was advised that an officer in the (b) (6), (b) (7)(C) reported to (b) (6), (b) (7)(C) that I had made such a statement. Upon further pressing by me, (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) (sp?) stated that I had said, "once you go (b) (6), (b) (7)(C), you never go back" to a civilian during the (b) (6), (b) (7)(C) and that that statement constituted a racial slur. At that point, Officer (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) had in fact made that comment, and provided details and context regarding the same. Not only had I not said it; I had not even heard anyone else say it.**
- Upon learning that I did not in fact make the statement in question, (b) (6), (b) (7)(C) left to go speak with (b) (6), (b) (7)(C), who apparently decided that I would be allowed to stay and complete the (b) (6), (b) (7)(C). I was never advised of any infraction or investigation, and at no time did I ever speak with (b) (6), (b) (7)(C) about the false allegation made against me, (b) (6), (b) (7)(C) decision to kick me out of (b) (6), (b) (7)(C) without just cause or evidence of any wrongdoing, or any other matter.
- Prior to being informed that I was allowed to stay in the (b) (6), (b) (7)(C), I contacted (b) (6), (b) (7)(C) by phone to advise (b) (6), (b) (7)(C) of the allegations made, as well as the truth of the matter, and asked (b) (6), (b) (7)(C) to please notify (b) (6), (b) (7)(C) of this occurrence.

I hereby request to see any and all information pertaining to the alleged investigation of me by (b) (6), (b) (7)(C), including but not limited to the letter advising CWRU of the investigation, the criminal trespass warning issued against me, justification for the warning issued against me, and any other documentation provided by (b) (6), (b) (7)(C) to CWRU in this matter. I would appreciate receiving copies of these documents in advance of my meeting with Human Resources, so I have adequate time to prepare a response to whatever (b) (6), (b) (7)(C) is alleging.

As to attempting to eat at another restaurant:

- It was my unpaid lunch hour
- Officer (b) (6), (b) (7)(C) and I went to the next closest restaurant, after waiting 10-15 minutes at the first restaurant without being seated
- As soon as I was asked to return to first restaurant, I respectfully did so, and apologized for not knowing we weren't allowed to leave the first restaurant
- I was told by (b) (6), (b) (7)(C) (after the fact) that a requirement to eat together was not documented or policy, but was "implied"

As to the allegation that I did not take (b) (6), (b) (7) seriously:

- I arrived prepared and on time, and stayed until the end of (b) (6), (b) (7) all four days (two of which were my scheduled days off)
- I studied for and scored a (b) (6), (b) (7) on the (b) (6), (b) (7)(C)
- I performed competently (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
- I earned (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) upon successful completion (b) (6), (b) (7)(C)

As to the allegation that we represented CWRU in an unfavorable light:

- We allowed (b) (6), (b) (7)(C) from another department (b) (6), (b) (7)(C) to use our (b) (6), (b) (7)(C) when (b) (6) arrived without one, and allowed (b) (6), (b) (7)(C) to use it for the duration of the (b) (6), (b) (7)(C) after (b) (6), (b) (7)(C) arrived and was found to be inoperable
- We encouraged all officers during (b) (6), (b) (7)(C)
- We assisted (b) (6), (b) (7)(C) from another department (b) (6), (b) (7)(C) with practicing certain (b) (6), (b) (7)(C) skills with which (b) (6), (b) (7)(C) was struggling
- During a break (b) (6), (b) (7)(C), Officer (b) (6), (b) (7)(C) and I were the only two officers in the group to approach and interact with a group of children who were playing in the area. We spoke with, high-fived, and had positive interaction with the children, as we recognize the importance of good community policing.
- During a break (b) (6), (b) (7)(C) I reported to (b) (6), (b) (7)(C) (who was also in the (b) (6), (b) (7)(C)) that I had observed two dogs enclosed in a hot car with the windows up on campus. I escorted (b) (6), (b) (7)(C) to the car, and (b) (6), (b) (7)(C) called it in; the owner of the vehicle was located.
- We followed all rules and policies without fail. We were not reprimanded or "spoken to" by (b) (6), (b) (7)(C) about anything until the last morning (b) (6), (b) (7)(C), when we were approached about having attempted to eat in a different restaurant (b) (6), (b) (7)(C).

NOTRE DAME COLLEGE POLICE DEPARTMENT
VOLUNTARY STATEMENT - CONTINUATION STATEMENT FORM

PERSONAL INFORMATION OF PERSON MAKING THIS VOLUNTARY STATEMENT

NAME (b) (6), (b) (7)(C)	SOCIAL SECURITY NUMBER	DATE OF BIRTH
--------------------------	------------------------	---------------

VOLUNTARY STATEMENT

I've been assigned to the (b) (6), (b) (7)(C) team (b) (6), (b) (7)(C) 2018 at the Notre Dame College Campus while at the (b) (6), (b) (7)(C) I've had the opportunity to meet officers from other agencies however, there are two officers from Case Western University that have stood out from the rest. For this reason alone because of their attitude during the (b) (6), (b) (7)(C) The primary officer that has done this is (b) (6), (b) (7)(C) who is after our spoken saying "F" this and does not follow (b) (6), (b) (7)(C) and overall has had a very poor attitude. (b) (6), (b) (7)(C) was also talking very loudly during (b) (6), (b) (7)(C) causing a distraction.

During the (b) (6), (b) (7)(C) both officers left the group and walked into the back for a meal instead of staying with the group. Also during (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) yelled out to my black male who stayed "Look at the (b) (6), (b) (7)(C) he looks like the (b) (6), (b) (7)(C) you go (b) (6), (b) (7)(C) you never go back". Myself and another officer were shocked at the comment and stated we could not believe this officer would say that and very fortunate there was no incident from it.

Both these officers are an embarrassment to the profession and definitely are a bad representation of Case Western Reserve and the conduct that is expected of their officers.

AFFIRMATION OF STATEMENT

UNDER SECTION(s) 2921.11, 2921.31, 2921.32 OF THE OHIO REVISED CODE IT IS A CRIMINAL ACT TO MAKE A FALSE STATEMENT, WHICH MAY BE SUBJECT TO PROSECUTION. I AFFIRM THE ABOVE STATEMENT IS TRUE AND ACCURATE.

SIGNATURE (b) (6), (b) (7)(C)

NOTRE DAME COLLEGE POLICE DEPARTMENT
VOLUNTARY STATEMENT

ADMINISTRATIVE SECTION			
DATE (b) (6), (b) (7)(C) 18	TIME Approx 2030	LOCATION OF THIS STATEMENT Murficill / S Belair UDF	CASE#
OFFICER TAKING STATEMENT			

PERSONAL INFORMATION OF PERSON MAKING THIS VOLUNTARY STATEMENT			
NAME (b) (6), (b) (7)(C)	SOCIAL SECURITY NUMBER (b) (6), (b) (7)(C)	DATE OF BIRTH (b) (6), (b) (7)(C)	
ADDRESS (b) (6), (b) (7)(C)	PHONE NUMBER (b) (6), (b) (7)(C)		

DECLARATION OF VOLUNTARY STATEMENT	
I, (b) (6), (b) (7)(C), residing at the above noted address, and agree the above personal information is true and accurate, do hereby make the following voluntary statement, of my own free will and under no duress to do so. I further agree, that no threats, promises or force have been used against me in order to make or give the following statement.	

VOLUNTARY STATEMENT	
ON (b) (6), (b) (7)(C) 18 at approximately 2030 hours I, (b) (6), (b) (7)(C) of Notre Dame Reserve University was past United Drive turners in Murfield Rd. A Black male in his 20's, 11 years shaved, blue jeans, grey shirt and a black skull cap was walking inside. The male showed to the group (b) (6), (b) (7)(C) "It's you could be (b) (6), (b) (7)(C) you should be driving" in a joking tone. In order to go along w/ the male's tone and to make a joke, I responded w/ "Even you go (b) (6), (b) (7)(C) you don't go back". The male laughed out loud and walked into the store. ON (b) (6), (b) (7)(C) 18, at approximately 0800 hours, it was brought to my attention that one of my fellow officers thought the statement was in poor taste. It was brought to my attention that (b) (6), (b) (7)(C) the statement could be perceived as racial in nature and I should be mindful how statements like the one I made damage the relationship between the community and law enforcement. This was not my intention and I am (b) (6), (b) (7)(C) truly sorry about what I said.	

I would also like to apologize to Notre Dame College Police Department and to (b) (6), (b) (7)(C) I understand my actions are also a representation of the university.	
--	--

AFFIRMATION OF STATEMENT	
UNDER SECTION(s) 2921.11, 2921.31, 2921.32 OF THE OHIO REVISED CODE IT IS A CRIMINAL ACT TO MAKE A FALSE STATEMENT, WHICH MAY BE SUBJECT TO PROSECUTION. I AFFIRM THE ABOVE STATEMENT IS TRUE AND ACCURATE.	

SIGNATURE (b) (6), (b) (7)(C)

Continuation () YES () NO Page ____ of ____



**NOTRE DAME COLLEGE POLICE DEPARTMENT
VOLUNTARY STATEMENT - CONTINUATION STATEMENT FORM**

PERSONAL INFORMATION OF PERSON MAKING THIS VOLUNTARY STATEMENT

NAME	SOCIAL SECURITY NUMBER	DATE OF BIRTH
------	------------------------	---------------

VOLUNTARY STATEMENT

and the department. You deserve better and I will be better. Thank You.

AFFIRMATION OF STATEMENT

UNDER SECTION(S) 2921.11, 2921.31, 2921.32 OF THE OHIO REVISED CODE IT IS A CRIMINAL ACT TO MAKE A FALSE STATEMENT, WHICH MAY BE SUBJECT TO PROSECUTION. I AFFIRM THE ABOVE STATEMENT IS TRUE AND ACCURATE.

SIGNATURE

(b) (6), (b) (7)(C)

Page ____ of ____

NOTRE DAME COLLEGE POLICE DEPARTMENT
VOLUNTARY STATEMENT

ADMINISTRATIVE SECTION

DATE	TIME	LOCATION OF THIS STATEMENT	CASE#
OFFICER TAKING STATEMENT			

PERSONAL INFORMATION OF PERSON MAKING THIS VOLUNTARY STATEMENT

NAME	SOCIAL SECURITY NUMBER	DATE OF BIRTH
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
ADDRESS	PHONE NUMBER	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

DECLARATION OF VOLUNTARY STATEMENT

I, (b) (6), (b) (7)(C), residing at the above noted address, and agree the above personal information is true and accurate, do hereby make the following voluntary statement, of my own free will and under no duress to do so. I further agree, that no threats, promises or force have been used against me in order to make or give the following statement.

VOLUNTARY STATEMENT

I, (b) (6), (b) (7)(C) DURING (b) (6), (b) (7)(C) ON (b) (6), (b) (7)(C) 18 WHEIS PARTICIPATING IN THE (b) (6), (b) (7)(C) AT NOTRE DAME COLLEGE WAS PRESENT DURING AN INCIDENT. THE INCIDENT I OBSERVED WAS (b) (6), (b) (7)(C) FROM CASE WESTERN MADE AN INAPPROPRIATE COMMENT TO A BLACK MALE DURING (b) (6), (b) (7)(C) THE CASE WESTERN OFFICER STATED TO THE MALE "ONCE YOU GO (b) (6), (b) (7)(C) YOU DON'T GO BACK." THE BLACK MALE ONLY SAID SOMETHING ALONG THE LINES AT THE AMOUNT OF (b) (6), (b) (7)(C) THAT HE SAW WHAT THE CASE WESTERN OFFICER SAID SEEMED VERY OUT OF LINE, IN THE AREA AND TO THE MALE WHILE REPRESENTING OUR (b) (6), (b) (7)(C)

AFFIRMATION OF STATEMENT

UNDER SECTION(s) 2921.11, 2921.31, 2921.32 OF THE OHIO REVISED CODE IT IS A CRIMINAL ACT TO MAKE A FALSE STATEMENT, WHICH MAY BE SUBJECT TO PROSECUTION, I (b) (6), (b) (7)(C) STATEMENT IS TRUE AND ACCURATE.

SIGNATURE
(b) (6), (b) (7)(C)

Continuation () YES (X) NO Page 1 of 1

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, May 23, 2018 8:51 AM
To: (b) (6), (b) (7)(C)
Subject: RE: Statement of Incidents from (b) (6), (b) (7)(C) /2018

Let me know if you have time to chat

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) [mailto:(b) (6), (b) (7)(C)]
Sent: Thursday, May 03, 2018 10:07 PM
To: (b) (6), (b) (7)(C); (b) (6), (b) (7)(C) @ndc.edu>
Cc: (b) (6), (b) (7)(C); (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)
Subject: Statement of Incidents from (b) (6), (b) (7)(C) /2018

Good Evening (b) (6), (b) (7)(C)

Please see attached my statement of events from School (b) (6), (b) (7)(C) thru (b) (6), (b) (7)(C) /2018.

I have briefed our attorney of the situation and review the statement.

Please contact me with questions.

Thanks for handling this situation so promptly and professionally.

Also did you all happen to find a (b) (6), (b) (7)(C) possibly laying around as the one that was being used in (b) (6), (b) (7)(C) seems to be missing.

Talk to you soon.

Regards
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Note from (b) (6), (b) (7)(C) at Notre Dame College (b) (6), (b) (7)(C) thru (b) (6), (b) (7)(C) 2018

On (b) (6), (b) (7)(C) 2018 at 1730 hours, the (b) (6), (b) (7)(C) proceeded to Legacy Village in Beachwood, Ohio for (b) (6), (b) (7)(C) at California Pizza Kitchen. The (b) (6), (b) (7)(C) arrived and half was seated with the other half waiting for a table to be cleared. Officers (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) from Case Western Reserve Police Department ("CWRU PD"), proceeded to Bar Louie on their own. (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C) PD advised (b) (6), (b) (7)(C) of the situation who advised (b) (6), (b) (7)(C) of same. (b) (6), (b) (7)(C) then proceeded to Bar Louie and found Officers (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) sitting at the bar in uniform with weapons. (b) (6), (b) (7)(C) asked if they had ordered drinks or anything and advised that they needed to pay for whatever outstanding bill they had and join the (b) (6), (b) (7)(C) at California Pizza Kitchen. Both Officers arrived momentarily joining the rest of the (b) (6), (b) (7)(C)

On (b) (6), (b) (7)(C) 2018 at 0740, (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C) PD spoke to (b) (6), (b) (7)(C) about CWRU PD Officer (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) conduct during (b) (6), (b) (7)(C) as well as (b) (6), (b) (7)(C) lack of professionalism along with (b) (6), (b) (7)(C) Officer (b) (6), (b) (7)(C) also of CWRU PD. (b) (6), (b) (7)(C) also then advised that during (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2018 that CWRU PD Officer (b) (6), (b) (7)(C) made a rude and inappropriate comment to a African American Male walking down Mayfield Rd. The African American Male yelled out "IT'S TO COLD TO BE ON (b) (6), (b) (7)(C) YOU SHOULD BE IN CAR'S"! Officer (b) (6), (b) (7)(C) then replied to the African American Male "ONCE YOU GO (b) (6), (b) (7)(C) YOU NEVER GO BACK"! as the African American Male laughed out loud. (b) (6), (b) (7)(C) felt strongly that (b) (6), (b) (7)(C) wanted to email (b) (6), (b) (7)(C) at CWRU PD to inform (b) (6), (b) (7)(C) of the conduct of (b) (6), (b) (7)(C) two officers in the (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) then spoke with both (b) (6), (b) (7)(C) and Officer (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C) PD who both stated they felt the comment was inappropriate for the area and the situation at hand too given the tension of racial concern between the public and the police.

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) then contacted (b) (6), (b) (7)(C) of Notre Dame College and informed (b) (6), (b) (7)(C) of the situation at hand. (b) (6), (b) (7)(C) advised to find out what was actually said and to see if the officer would admit to it. (b) (6), (b) (7)(C) then advised that this could be a potential civil rights situation and indicated that the officers may need to be removed from the (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) advised that both (b) (6), (b) (7)(C) would question the officers and re-advise.

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) then had a private conversation with Officers (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) to evaluation the situation. The conversation started out about the incident at Bar Louie and the Officers regarding the perception of the public and possible policy issues. Further the question was asked as to whether or not CWRU PD had a policy on Bar Establishments while in uniform with weapons, as well as the overall safety of the officers. Officer (b) (6), (b) (7)(C) advised that their policy allowed for them to be in a bar while on the clock and in uniform. Then the issue of the comment was brought up as each advised they had no idea what was being talked about. At that time both (b) (6), (b) (7)(C) felt it be best that Officer (b) (6), (b) (7)(C) be removed from the (b) (6), (b) (7)(C) due to (b) (6), (b) (7)(C) conduct in addition to the detour to Bar Louie, which had affected the rest of the (b) (6), (b) (7)(C). Officer (b) (6), (b) (7)(C) then stated that was wrong and that (b) (6), (b) (7)(C) still had no idea of what was said. Officer (b) (6), (b) (7)(C) then stated (b) (6), (b) (7)(C) said the comment to the African American Male. Both (b) (6), (b) (7)(C) advised Officer (b) (6), (b) (7)(C) of the potential harm that (b) (6), (b) (7)(C) caused to the public, Notre Dame College, (b) (6), (b) (7)(C) and to the (b) (6), (b) (7)(C). Officer (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) and that is how "THEY Talked". Officer (b) (6), (b) (7)(C) seemed to be ok with the comment being a (b) (6), (b) (7)(C) officer of CWRU and continued to state that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were wrong.

(b) (6), (b) (7)(C) was advised of the conversation (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) had with Officers (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). After much discussion, it was decided to allow Officers (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) remain in the (b) (6), (b) (7)(C) and that their conduct would be observed. If the conduct continued, they would be removed. (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) would contact CWRU's (b) (6), (b) (7)(C) and that (b) (6), (b) (7)(C) would make contact with (b) (6), (b) (7)(C) of CWRU to advise.

Officers (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were advised of the decision and conditions to remain in the (b) (6), (b) (7)(C). The day was finished without further incident.

Statements were collected from Officer (b) (6), (b) (7)(C) CWRU PD, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) PD and Officer (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) PD.

On Monday (b) (6), (b) (7)(C) 2018 (b) (6), (b) (7)(C) made contact with (b) (6), (b) (7)(C) and informed (b) (6), (b) (7)(C) of the situation at hand. (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) would contact (b) (6), (b) (7)(C) to render the situation right.

Respectfully,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, May 24, 2018 2:57 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@case.edu>
Cc: (b) (6), (b) (7)(C)
Subject: FW: Contact Information

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Here is the info you requested:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, May 24, 2018 1:00 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@case.edu>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@ndc.edu>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Subject: Re: Contact Information

Good Morning (b) (6), (b) (7)(C)

As of this time I am advising any other information regarding this matter will need to be directed to (b) (6), (b) (7)(C) and Notre Dame College as they were the hosting agency.

We were contracted for (b) (6), (b) (7)(C) and have completed as required.

Please don't hesitate to contact me for any other matters .

Pardon my brevity, sent from my mobile device.

Regards
(b) (6), (b) (7)(C)

On May 23, 2018, at 4:30 PM, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@case.edu> wrote:

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Monday, May 07, 2018 7:40 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: Re: Request for Conference

I spoke with (b) (6), (b) (7)(C) but not HR

Get Outlook for iOS

From: (b) (6), (b) (7)(C)
Sent: Monday, May 7, 2018 5:28:46 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: Fwd: Request for Conference

(b) (6), (b) (7)(C)

Have they contacted you?

Thanks for any assistance.

Pardon my brevity, sent from my mobile device.

Regards

(b) (6), (b) (7)(C)

Begin forwarded message:

From: (b) (6), (b) (7)(C)
Date: May 7, 2018 at 5:27:19 PM EDT
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: Fwd: Request for Conference

(b) (6), (b) (7)(C)

Let me know your thoughts.

Pardon my brevity, sent from my mobile device.

Regards

(b) (6), (b) (7)(C)

Begin forwarded message:

From: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) <a case.edu>
Date: May 7, 2018 at 5:19:28 PM EDT

(b) (6), (b) (7)(C)

Let me know your thoughts.

Pardon my brevity, sent from my mobile device.

Regards

(b) (6), (b) (7)(C)

Begin forwarded message:

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@case.edu>
Date: May 7, 2018 at 5:19:28 PM EDT
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@case.edu>
Subject: Request for Conference

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C),

My colleague (b) (6), (b) (7)(C) and I would like to speak with you both (individually) at your convenience about the (b) (6), (b) (7)(C) that two of our officers attended (b) (6), (b) (7)(C).

If you would be so kind, please let us know your availability this week and next week. Thank you.

(b) (6), (b) (7)(C)

Case Western Reserve University
10900 Euclid Avenue
Crawford Hall, Suite 320
Cleveland, OH 44106
Ph: (b) (6), (b) (7)(C)
Email: (b) (6), (b) (7)(C)@case.edu
AskHR@case.edu

----- Forwarded message -----

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@case.edu>
Date: Fri, May 11, 2018 at 11:42 AM
Subject: Contact Information
To: (b) (6), (b) (7)(C)@case.edu, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@case.edu>

Hi All,

Let me know the best way to contact (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C) PD &
(b) (6), (b) (7)(C) of (b) (6), (b) (7)(C) PD. Thanks!

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) PD

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Pardon my brevity, sent from my mobile device.

Regards

(b) (6), (b) (7)(C)

On May 11, 2018, at 2:37 PM, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@case.edu> wrote:

(b) (6), (b) (7) and (b) (6), (b) (7) the HR representative assigned to conduct the investigation into officer misconduct would like the contact information for the two witnesses listed below. Can you please forward their information to me and I will relay it to (b) (6), (b) (7) I believe (b) (6), (b) (7)(C) cell is listed on (b) (6), (b) (7) statement but (b) (6), (b) (7)(C) statement is on a statement continuation form with no contact information provided. Any help you can provide would be appreciated.

(b) (6), (b) (7)(C)

Case Western Reserve University

1689 E 115th Street, Cleveland, Ohio 44106

(b) (6), (b) (7)(C)@case.edu

p (b) (6), (b) (7)(C)

f 216-368-0409

Date: Tue, May 15, 2018 at 9:09 AM
Subject: RE: Contact Information
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@case.edu>

Hi (b) (6), (b) (7)(C)

Would you be able to get contact information for (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) PD)?

From: (b) (6), (b) (7)(C) [mailto:(b) (6), (b) (7)(C)@case.edu]
Sent: Friday, May 11, 2018 3:25 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@case.edu>
Subject: Fwd: Contact Information

FYI.

(b) (6), (b) (7)(C)

Case Western Reserve University

1689 E 115th Street, Cleveland, Ohio 44106

(b) (6), (b) (7)(C)@case.edu

p (b) (6), (b) (7)(C)

f 216-368-0409

----- Forwarded message -----

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Date: Fri, May 11, 2018 at 2:51 PM
Subject: Re: Contact Information
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@case.edu>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@ndc.edu>, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) >

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) PD

----- Forwarded message -----

From: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) >
Date: Tue, May 15, 2018 at 10:29 AM
Subject: Re: Contact Information
To: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) @case.edu>
Cc: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Pardon my brevity, sent from my mobile device.

Regards

(b) (6), (b) (7)(C)

On May 15, 2018, at 9:43 AM, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) @case.edu> wrote:

(b) (6), (b) (7)(C), can you provide (b) (6), (b) (7)(C) contact information for my HR department?

(b) (6), (b) (7)(C)

Case Western Reserve University

1689 E 115th Street, Cleveland, Ohio 44106

(b) (6), (b) (7)(C) @case.edu

p (b) (6), (b) (7)(C)

f 216-368-0409

----- Forwarded message -----

From: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) @case.edu>

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)@case.edu>
Sent: Thursday, May 24, 2018 5:53 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)@case.edu; (b) (6), (b) (7)(C)
Subject: Re: Contact Information

(b) (6), (b) (7)(C) thanks so much. (b) (6), (b) (7)(C)

Sent from my iPhone

On May 24, 2018, at 14:57, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)@ndc.edu> wrote:

(b) (6), (b) (7)(C) or (b) (6), (b) (7)(C);

Here is the info you requested:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) [mailto:(b) (6), (b) (7)(C)]
Sent: Thursday, May 24, 2018 1:00 PM
To: (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)@case.edu>
Cc: (b) (6), (b) (7)(C); (b) (6), (b) (7)(C); (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)@ndc.edu>; (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Subject: Re: Contact Information

Good Morning (b) (6), (b) (7)(C)

As of this time I am advising any other information regarding this matter will need to be directed to (b) (6), (b) (7)(C) and Notre Dame College as they were the hosting agency.

We were contracted for (b) (6), (b) (7)(C) and have completed as required.

Please don't hesitate to contact me for any other matters

Pardon my brevity, sent from my mobile device.

POSITIVE CORRECTIVE ACTION (PCA) FORM

Employee Name:	(b) (6), (b) (7)(C)	Date Issued:	(b) (6), (b) (7)(C) 2019
Position:	(b) (6), (b) (7)(C)	Department:	Department Public Safety
Supervisor Name:	(b) (6), (b) (7)(C)		

PERFORMANCE CORRECTIVE ACTION:

☐ Verbal Warning
 ☒ Written Warning
 ☐ Suspension
 ☐ Termination

PREVIOUS POSITIVE CORRECTIVE ACTION(S):

<input type="checkbox"/>	Verbal Warning (date):	
<input type="checkbox"/>	Written Warning (date):	
<input type="checkbox"/>	Suspension (date):	

Description of Issue

- | | | |
|---|---|---|
| <input type="checkbox"/> Absenteeism | <input type="checkbox"/> Unsatisfactory job performance | <input type="checkbox"/> Safety violation |
| <input checked="" type="checkbox"/> Conduct | <input type="checkbox"/> Policy or procedure violation | <input type="checkbox"/> Other: _____ |

FACTUAL NARRATIVE OF UNACCEPTABLE PERFORMANCE/MISCONDUCT: *(Describe the facts and circumstances relating to the conduct that gave rise to this Positive Corrective Action. Include all relevant dates, times, places, persons present, Departmental impact, applicable CWRU policies, etc.)*

On (b) (6), (b) (7)(C) 2019, you were placed on paid investigatory suspension to give the university time to investigate concerns regarding unprofessional conduct you were alleged to have engaged in while performing traffic/cross-walk duties at the Adelbert/Euclid Avenue intersection. This was the second such incident reported to Human Resources in a two-week period and Human Resources was still in the process of investigating the first incident when the second incident was reported. Therefore, both incidents are being addressed together. The investigation into these incidents is complete and indicates you engaged in conduct contrary to university expectations for its police officers and contrary to the following policies:

- Work Environment/Professionalism and Positive Corrective Action -Inappropriate, unprofessional, and disrespectful behavior, and failure to maintain professional interpersonal relationships with co-workers, supervisors, customers, or any member of the university community
- University Police Department Policy 2.0 General duties and Responsibilities-2.1.10-General Duties-Personnel of the Department shall: Be civil and orderly in dealing with

all people. You must perform your duties quietly, avoiding harsh, violent, profane, or insolent language, and remain calm regardless of provocation.

On (b) (6), (b) (7)(C) 2019 at 1000 hours, you were performing crosswalk duties at the intersection of Euclid Avenue and Adelbert Road. During this time, a Case Western Reserve University (CWRU) (b) (6), (b) (7)(C) was driving (b) (6), (b) (7)(C) vehicle behind a CWRU shuttle. (b) (6), (b) (7)(C) followed the shuttle through the intersection because (b) (6), (b) (7)(C) observed you waving the shuttle through the intersection. (b) (6), (b) (7)(C) did not observe you giving (b) (6), (b) (7)(C) a hand signal to stop or stay in the same position. As (b) (6), (b) (7)(C) turned onto Adelbert, (b) (6), (b) (7)(C) waved to you and you shouted at (b) (6), (b) (7)(C) in front of the students at the crosswalk, "WHAT THE F*CK ARE YOU DOING?" According to (b) (6), (b) (7)(C), you swore and yelled at (b) (6), (b) (7)(C) in front of the students and other community members. (b) (6), (b) (7)(C) also reported that you failed to give clear hand signals or directions indicating if (b) (6), (b) (7)(C) should proceed or stop at the intersection.

On (b) (6), (b) (7)(C) 2019, Human Resources met with you to discuss this incident. You stated that you did not recall the incident and that you do not use that type of language. The Human Resources representative advised you that you are expected to be professional and appropriate at all times when performing your duties. You were advised that it is unacceptable to yell and use profane language when performing your duties and when interacting with community members. Therefore, you were aware on (b) (6), (b) (7)(C) 2019 that such conduct was not considered acceptable.

The second incident occurred before the review of the first incident was completed.

On (b) (6), (b) (7)(C) 2019 at approximately 1025 hours, you were again performing crosswalk duties at the intersection of Euclid Avenue and Adelbert Road. The Department of Public Safety (b) (6), (b) (7)(C) was driving west bound on Euclid approaching the intersection of Euclid and Adelbert. (b) (6), (b) (7)(C) observed a (b) (6), (b) (7)(C) white in color with (b) (6), (b) (7)(C) decals, preparing to make a left turn on to Adelbert Road. You and the driver began to speak as (b) (6), (b) (7)(C) advanced into the intersection behind the (b) (6), (b) (7)(C). This conversation happened as the driver was advancing through the two Eastbound lanes of Euclid, well before the crosswalk. (b) (6), (b) (7)(C) saw that the light was still green and the crosswalk was clear so (b) (6), (b) (7)(C) advanced further into the intersection behind the (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) rolled down (b) (6), (b) (7)(C) window. As the (b) (6), (b) (7)(C) advanced (b) (6), (b) (7)(C) heard you speaking in a loud voice to the (b) (6), (b) (7)(C) driver, inaudibly at first and ending the conversation with "ASSHOLE". You were loud and visibly angry.

(b) (6), (b) (7)(C) advanced further into the intersection, and upon seeing (b) (6), (b) (7)(C) you stated to (b) (6), (b) (7)(C) that the driver had almost hit you, to which (b) (6), (b) (7)(C) replied, "No, (b) (6), (b) (7)(C) didn't" and (b) (6), (b) (7)(C) thought that you didn't curse while on the job. (b) (6), (b) (7)(C) then advised you that you needed to change your tone. (b) (6), (b) (7)(C) continued on through the intersection to avoid delaying traffic.

Human Resources spoke with the driver of the van who reported that all the pedestrians had advanced across the crosswalk and (b) (6), (b) (7)(C) wanted to make sure that you were aware that (b) (6), (b) (7)(C) was behind you on Euclid. (b) (6), (b) (7)(C) beeped (b) (6), (b) (7)(C) horn so that you would be aware that (b) (6), (b) (7)(C) was behind you and needed to proceed on to Adelbert Road. (b) (6), (b) (7)(C) stated that you started yelling at (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) tried to explain why (b) (6), (b) (7)(C) honked (b) (6), (b) (7)(C) horn but you proceeded to get angry and yell at (b) (6), (b) (7)(C).

stated you screamed, "there were f*cking people there". (b) (6), (b) (7)(C) admitted that in response (b) (6), (b) (7)(C) also lost (b) (6), (b) (7)(C) temper, yelled at you and used profanity.

When you met with Employee Relations on (b) (6), (b) (7)(C) 19 about the (b) (6), (b) (7)(C) 2019 incident, you admitted to calling the driver a "Jackass." You stated that there were many students and community members crossing the street in the cross walk and that the driver beeped (b) (6), (b) (7)(C) horn because (b) (6), (b) (7)(C) did not want to hit you. You stated you did not remember swearing at (b) (6), (b) (7)(C) other than saying (b) (6), (b) (7)(C) was a "Jackass." You also stated that you try not to swear and you should not have called (b) (6), (b) (7)(C) a "Jackass" in front of the students.

POSITIVE CORRECTIVE ACTION REQUIRED:

Based upon the above, you are being issued a written warning. You must perform the duties outlined in your job description in accordance with department expectations, including adhering to the Work Environment/Professionalism policy, and maintaining satisfactory or above performance in all areas of your job. You have been involved in a few incidents of unprofessional conduct involving loss of temper and swearing. Losing your temper, yelling at and swearing at persons is not consistent with department or university expectations and runs counter to the positive reputation the university strives to maintain for its police department. Further incidents of unprofessional conduct will result in unpaid suspension or termination. You must refrain from losing your temper and yelling at community members (whether CWRU-affiliated or not). In addition, you must also adhere to all university and departmental policies and procedures. Failure to do any of the above will result in further corrective action, up to and including termination. In addition, you are being referred to CWRU's employee assistance program, IMPACT Solutions, for assessment and recommendations on appropriately dealing with conflict and stress in the workplace. IMPACT will determine an appropriate program for you. You are expected to sign an authorization permitting IMPACT Solutions to release information to the (b) (6), (b) (7)(C) verifying your compliance with the IMPACT recommended program. Failure to comply with or complete the recommended program may result in termination of your position as (b) (6), (b) (7)(C) CWRU reserves the right to determine in its sole discretion whether you have complied with the program.

Employee's Comments (if any):

By signing below, you acknowledge that you have received this PCA Form. You are not acknowledging agreement with the information in the PCA Form and are not waiving any grievance rights you have.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

DATE

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

DATE

EMPLOYEE SIGNATURE

SUPERVISOR SIGNATURE

Monday (b) (6), (b) (7)(C) 2019

At around 10:30 AM, I was working the crosswalk at Euclid and Adelbert. I had my back facing the westbound traffic on Euclid Ave., and stopped the eastbound turning traffic on Euclid Ave. While crossing students on Adelbert Road, I heard a close, loud, car horn behind me. I turned around to see a large white (b) (6), (b) (7)(C) approximately four feet from where I was standing in the middle of the intersection, blocking the eastbound traffic on Euclid Ave. The driver rolled down (b) (6), (b) (7)(C) window and said, "I beeped the horn because I didn't want to hit you," to which I replied, "This is a crosswalk, you jackass!" I did not cite the driver for (b) (6), (b) (7)(C) traffic violations (failure to yield to pedestrians in a crosswalk; blocking traffic in an intersection), and I directed the driver through the crosswalk area. The next vehicle that was turning behind the (b) (6), (b) (7)(C) was driven by (b) (6), (b) (7)(C) of Public Safety for CWRU. (b) (6), (b) (7)(C) stopped (b) (6), (b) (7)(C) car, rolled down (b) (6), (b) (7)(C) window, and said, "I thought you didn't swear on the crosswalk," in a sarcastic tone. I replied, "That (b) (6), (b) (7)(C) almost hit me; I called (b) (6), (b) (7)(C) a jackass." (b) (6), (b) (7)(C) said to me in a loud voice with an aggressive, sneering tone, "You need a serious attitude adjustment!" then proceeded to follow the (b) (6), (b) (7)(C) down Adelbert, pull (b) (6), (b) (7)(C) car alongside the (b) (6), (b) (7)(C) and get out of (b) (6), (b) (7)(C) car to speak with the driver of the (b) (6), (b) (7)(C). I received a phone call from (b) (6), (b) (7)(C) not long after (b) (6), (b) (7)(C) conversation with the (b) (6), (b) (7)(C) driver, telling me to go back to headquarters and sit downstairs. An hour and a half later, I was called upstairs to see (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). I apologized to (b) (6), (b) (7)(C) for the incident, told (b) (6), (b) (7)(C) that I need my job, and that I was sorry. (b) (6), (b) (7)(C) did not acknowledge or respond to me, and instead instructed (b) (6), (b) (7)(C) to take my weapon, and (b) (6), (b) (7)(C) told me to change out of my uniform and go to HR.

As I have stated to HR in the past, I believe (b) (6), (b) (7)(C) is after my job. Consider this: I was nearly hit by a (b) (6), (b) (7)(C) while on duty, and instead of being concerned at all for the wellbeing of the students in the crosswalk at the time -- whom I am charged with protecting (while not being loud, and not writing tickets for traffic violations) -- or even being concerned for my safety after a frightening "near-miss" incident, (b) (6), (b) (7)(C) chased down the driver who almost hit me to solicit a complaint against me. I was wrong, and I realize now that I am in the habit of using inappropriate language when I am frustrated, and I am actively working to change my vocabulary to one more professional and appropriate for a representative of CWRU. That said, I had an emotional, knee-jerk reaction to nearly being hit by a (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) used the situation to actively pursue getting a complaint filed against me that resulted in my suspension. I feel this is at best an extremely poor example of leadership from (b) (6), (b) (7)(C), and at worst, (b) (6), (b) (7)(C) using (b) (6), (b) (7)(C) authority to attempt to terminate me in retaliation for supporting the union, being critical of (b) (6), (b) (7)(C) performance in the past, and because (b) (6), (b) (7)(C) simply does not like me.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Department of Human Resources
Crawford Hall, Room 320
10900 Euclid Avenue
Cleveland, Ohio 44106-7047
Phone 216.368.6964
Fax 216.368.4678
AskHR@cwru.edu

VIA HAND DELIVERY AND ELECTRONIC MAIL

March 11, 2019

(b) (6), (b) (7)(C)

Dear **(b) (6), (b) (7)(C)**

This letter is to inform you of the results of the formal grievance that you filed on **(b) (6), (b) (7)(C)** 2018 with Human Resources, Office of Employee Relations, seeking to rescind a Positive Corrective Action (PCA) Verbal Warning issued on **(b) (6), (b) (7)(C)** 2018.

On Thursday, **(b) (6), (b) (7)(C)** 2018, you were **(b) (6), (b) (7)(C)** for the CWRU Police Department mandatory annual range requalification pursuant to the Ohio Peace Officer Training Academy (OPOTA). Throughout the day, you requalified **(b) (6), (b) (7)(C)** police officers on up to four different weapons (Semi-Auto Pistol (duty weapon); personal weapon; shotgun; and rifle) between the hours of 0800 hours and 1400 hours. Five police officers - **(b) (6), (b) (7)(C)** **(b) (6), (b) (7)(C)** **(b) (6), (b) (7)(C)** **(b) (6), (b) (7)(C)** and **(b) (6), (b) (7)(C)** **(b) (6), (b) (7)(C)** - were scheduled to requalify from 1200 hours to 1400 hours.

Officers **(b) (6), (b) (7)(C)** **(b) (6), (b) (7)(C)** and **(b) (6), (b) (7)(C)** began requalification before Officers **(b) (6), (b) (7)(C)** and **(b) (6), (b) (7)(C)** arrived. Officers **(b) (6), (b) (7)(C)** and **(b) (6), (b) (7)(C)** arrived while the other three were shooting. Certain things are in dispute, including whether any of the officers had the opportunity to practice and whether all officers were timed. However, these disputes are ultimately irrelevant to the events that occurred, and are addressed with **(b) (6), (b) (7)(C)** **(b) (6), (b) (7)(C)** new Range Procedures and Guidelines for **(b) (6), (b) (7)(C)**

After the first group finished shooting, Officer **(b) (6), (b) (7)(C)** and Officer **(b) (6), (b) (7)(C)** went to the line for the pistol requalification. Both failed the first time; Officer **(b) (6), (b) (7)(C)** on time and Officer **(b) (6), (b) (7)(C)** on points. You told both that they would have to reshoot. Officer **(b) (6), (b) (7)(C)** disputed your scoring and said, "I passed," and you told **(b) (6), (b) (7)(C)** that **(b) (6), (b) (7)(C)** did not. There is a dispute whether you told Officer **(b) (6), (b) (7)(C)** **(b) (6), (b) (7)(C)** score - you maintain you did and **(b) (6), (b) (7)(C)** maintains you did not. While there was a discussion about a head shot being minus two because **(b) (6), (b) (7)(C)** missed the body silhouette and a discussion about a shot on the line, HR concludes that you did not give Officer **(b) (6), (b) (7)(C)** **(b) (6), (b) (7)(C)** score.

HR concludes that you did not give Officer **(b) (6), (b) (7)(C)** **(b) (6), (b) (7)(C)** score because (1) Officer **(b) (6), (b) (7)(C)** was still asking for **(b) (6), (b) (7)(C)** number score several tests - and more than half an

hour - later, which (b) (6), (b) (7)(C) would not have done had (b) (6), (b) (7)(C) known (b) (6), (b) (7)(C) score; and (2) every other officer questioned stated that, whether they passed or failed, they were not told their number score. It is possible that had you provided Officer (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) number score, it could have defused the situation. This is something you should consider in the future when dealing with your colleagues. However, the CWRU Police Department did not have Range Procedures requiring (b) (6), (b) (7)(C) to give officers their numerical score at the time. Moreover, (b) (6), (b) (7)(C) admitted that (b) (6), (b) (7)(C) never instructed you to do so. Therefore, your failure to give a number score (as opposed to telling officers pass/fail) does not violate any policy or procedure.

Officer (b) (6), (b) (7)(C) continued to challenge your scoring, and based on the accounts of Officer (b) (6), (b) (7)(C) and other officers present, you responded that (b) (6), (b) (7)(C) "failed;" and you were "not going to keep f*cking talking about it and go reload and go back to the f*cking line."

After Officer (b) (6), (b) (7)(C) passed the Semi-Auto Pistol requalification course on (b) (6), (b) (7)(C) second attempt, (b) (6), (b) (7)(C) engaged Officers (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) in the tent area about not getting credit for a shot on the line, a head shot/minus one or minus two, the grey area in terms of calculating (b) (6), (b) (7)(C) score, and asking what counted. (b) (6), (b) (7)(C) looked up the OPOTA firearm requalification rules on (b) (6), (b) (7)(C) phone, and showed them a blank silhouette target from the OPOTA website. From their accounts, Officer (b) (6), (b) (7)(C) was upset that (b) (6), (b) (7)(C) failed the first time, and expressed to the others that (b) (6), (b) (7)(C) felt that you scored (b) (6), (b) (7)(C) incorrectly and were letting personal feelings towards (b) (6), (b) (7)(C) affect your scoring. At one point when you walked to the tented area, Officer (b) (6), (b) (7)(C) attempted to show you the OPOTA website with the blank silhouette and scoring system on (b) (6), (b) (7)(C) cell phone to prove that (b) (6), (b) (7)(C) passed the first time. You refused to engage with further discussion about whether (b) (6), (b) (7)(C) passed or failed the first time.

After Officer (b) (6), (b) (7)(C) passed the requalification on (b) (6), (b) (7)(C) personal weapon and shotgun (both on (b) (6), (b) (7)(C) first attempt) and, after talking to Officer (b) (6), (b) (7)(C) in the tent area, (b) (6), (b) (7)(C) decided to forego the optional rifle requalification and leave the range all together. You and Officer (b) (6), (b) (7)(C) engaged once again as (b) (6), (b) (7)(C) was leaving and (b) (6), (b) (7)(C) demanded to know (b) (6), (b) (7)(C) score. You asked, "Which one?" and (b) (6), (b) (7)(C) said, "The first one." You responded "Fail." (b) (6), (b) (7)(C) then said, "The second one" and you said, "Pass." (b) (6), (b) (7)(C) again insisted, "I want the score," and you responded along the lines that scores are not reported or that the requalification is not graded; it's just pass/fail. You then asked if (b) (6), (b) (7)(C) was going to requalify with (b) (6), (b) (7)(C) rifle and (b) (6), (b) (7)(C) said, "No. I don't need the f*cking rifle." (b) (6), (b) (7)(C) continued to leave and you yelled, "You have a problem, call (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) responded, "F*ck you. You can speak to my attorney." Both of you had your voices raised at this time, though neither of you seem to have been out of control yelling.

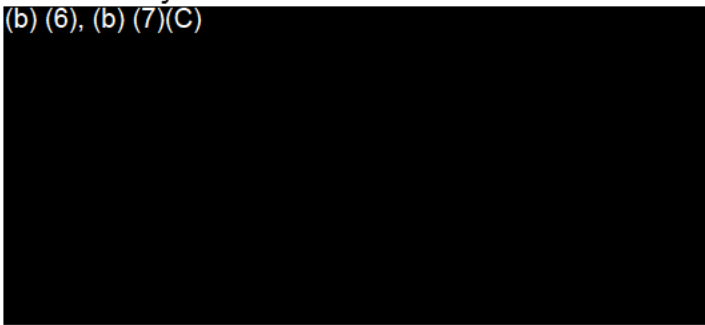
Both you and Officer (b) (6), (b) (7)(C) used profanity. Swearing and profane language violates the university's Professionalism policy and the CWRU Police Department Rules and Regulations on General Duties and Responsibilities and is not tolerated at the university.

However, I do not believe that this rises to the level of a verbal warning. The use of profanity was not directed towards a member of the campus community or the public. While it is still not acceptable to use profanity directed at a colleague, in the context of this specific situation it does not present the same level of concern that arises when used towards students, staff, faculty, or members of the community and public. Therefore, I conclude that the PCA should be rescinded, and instead a Job Expectations Memo should be issued to address the lack of professionalism. However, please be advised that further profanity - at the gun range or on campus - and whether directed at other officers or persons external to the department -- is unprofessional and will not be tolerated.

What also became apparent through my review is that the CWRU Police Department would benefit from the development of clearer and more specific Guidelines and Procedures for (b) (6), (b) (7)(C) and on the Range. (b) (6), (b) (7)(C) will develop those and incorporate them into your Job Expectations Memo.

Sincerely,

(b) (6), (b) (7)(C)



Range Memo

(b) (6), (b) (7)(C)

Events of CPD Range on (b) (6), (b) (7)(C) 2018 1200 hours to 1400 hours, attending the range at the time: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

- I was approached by (b) (6), (b) (7)(C) and asked to explain why (b) (6) did not pass the first attempt on the OPOTA requalification with pistol. I explained the scoring system and informed (b) (6), (b) (7)(C) that (b) (6) would need to make a second attempt. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) attempted and passed the second OPOTA requalification. A short time later (b) (6), (b) (7)(C) again approached me and informed me that (b) (6) passed (b) (6), (b) (7)(C) first attempt with the pistol. I advised (b) (6), (b) (7)(C) that I am not going to argue with (b) (6), (b) (7)(C) and proceeded to continue with range qualification. While on the firing line with other officers, (b) (6), (b) (7)(C) left the range break area and approached the firing line. (b) (6), (b) (7)(C) stating "I want to know what my score was on the first attempt and the score on the second attempt" I stopped (b) (6), (b) (7)(C) and informed (b) (6), (b) (7)(C) only pass and fail is recorded on the OPOTA/CWRUPD requalification sheet, no scores are recorded. (b) (6), (b) (7)(C) continued to argue that (b) (6), (b) (7)(C) passed the first attempt with the pistol and then stated fuck you I am leaving. I advised (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) had not finished the qualification with the patrol rifle. (b) (6), (b) (7)(C) stated "fuck that rifle I do not need to qualify." I advised (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) had any complaints to speak with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) replayed "I am going to fucking speak with my lawyer". Officer (b) (6), (b) (7)(C) then left the Range.

- I am concerned about safety on the range with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) did not arrived prepared or on time, (b) (6), (b) (7)(C) did not stay until the end of the range, and did not follow range instructions.

- I am deeply concerned about the angry response and lack of self-control Officer (b) (6), (b) (7)(C) displayed as (b) (6), (b) (7)(C) left the range.

I promote a positive learning environment on the range with safety and accuracy the goal. Shooting is a perishable skill, and sometime people just have a bad day at the range. Several other officers, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) had to attempt a second requalification with the pistol. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) had to attempt a second attempt with off duty pistol. None of these Officers and Supervisors complained, they just requalified.

I have no issues with Officer (b) (6), (b) (7)(C) requalifying with (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) feels treated unfairly. I have no issues requalifying (b) (6), (b) (7)(C) with (b) (6), (b) (7)(C) present. Please advised me if any further action need to take place.

(b) (6), (b) (7)(C)



CASE WESTERN RESERVE
UNIVERSITY EST 1826

COPY

POSITIVE CORRECTIVE ACTION FORM

Employee Name: (b) (6), (b) (7)(C)

Date Issued: (b) (6), (b) (7)(C) 2018

Position: (b) (6), (b) (7)(C)

Department: Police Department

Supervisor Name: (b) (6), (b) (7)(C)

PERFORMANCE CORRECTIVE ACTION:

☒ Verbal Warning ☐ Written Warning ☐ Suspension ☐ Termination

PREVIOUS POSITIVE CORRECTIVE ACTION(S):

☐ Verbal Warning (date):

☐ Written Warning (date):

☐ Suspension (date):

Description of Issue

☐ Absenteeism ☐ Unsatisfactory job performance ☐ Safety violation
☒ Conduct ☒ Policy or procedure violation ☐ Other:

FACTUAL NARRATIVE OF UNACCEPTABLE PERFORMANCE/MISCONDUCT: (Describe the facts and circumstances relating to the conduct that gave rise to this Positive Corrective Action. Include all relevant dates, times, places, persons present, Departmental impact, applicable CWRU policies, etc.)

On (b) (6), (b) (7)(C) you were hired as (b) (6), (b) (7)(C) in the Department of Police and Safety Services at Case Western Reserve University (CWRU).

On (b) (6), (b) (7)(C) 2014, you received a departmental memorandum for using a tone that was harsher than necessary and an aggressive demeanor in interacting with a member of the University community. In the corrective action required, you were advised to attend diversity training sessions, conflictive work relationship management via the employee assistance program, and issue apology to the community member. In addition, you were advised to conduct yourself in an appropriate manner, especially in conducting important police functions in a diverse educational environment.

On (b) (6), (b) (7)(C) 2018, you received a memorandum from Human Resources stating that there were no findings that you violated departmental or university policies during the (b) (6), (b) (7)(C) at Notre Dame College. Although there were no findings that you violated any specific policies, you were reminded that when you are on or off campus as a member of the university's police department, it is expected that you will act professionally and courteously at all times.

I did not
violate any
policy

On Thursday, (b) (6), (b) (7)(C) 2018, you were (b) (6), (b) (7)(C) for the CWRU Police Department mandatory annual range requalification. Throughout the day, you requalified (b) (6), (b) (7)(C) police officers starting at 0800 hours and ending at 1400 hours. There were five police officers, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) signed up to requalify from 1200 hours to 1400 hours.

To begin the requalification process for the second group of officers, Officer (b) (6), (b) (7)(C) and Officer (b) (6), (b) (7)(C) went to the "line" to shoot the six (6) stages of the Ohio Peace Officer Training Academy (OPOTA) Range Proficiency Record: Semi - Auto Pistol qualification course at the same time. After completing the OPOTA Range Proficiency Record: Semi - Auto Pistol qualification course, you advised Officer (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) did not pass and would have a second chance to attempt to pass the requalification course. Officer (b) (6), (b) (7)(C) asked you what (b) (6), (b) (7)(C) score was and you advised (b) (6), (b) (7)(C) that it is a pass or fail course; no scores are kept. Officer (b) (6), (b) (7)(C) passed the Semi - Auto Pistol requalification course after (b) (6), (b) (7)(C) second attempt as well as passing the Range Proficiency Record: Shotgun course on (b) (6), (b) (7)(C) first attempt.

Throughout the requalification process, Officer (b) (6), (b) (7)(C) continued to pursue the conversation with you regarding (b) (6), (b) (7)(C) score on (b) (6), (b) (7)(C) first attempt at requalification. You became visibly more agitated, annoyed, and angry that Officer (b) (6), (b) (7)(C) continued to question you on (b) (6), (b) (7)(C) score. This conversation continued to happen at the tent and Officer (b) (6), (b) (7)(C) showed you OPOTA scoring information on (b) (6), (b) (7)(C) cell phone. Officer (b) (6), (b) (7)(C) decided to gather (b) (6), (b) (7)(C) belongings and leave the range all together because (b) (6), (b) (7)(C) was not planning to requalify for rifle. While leaving the firing range and walking by the firing line you advised Officer (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) did not complete the requalification course for the patrol rifle and (b) (6), (b) (7)(C) was not done. Officer (b) (6), (b) (7)(C) continued to question you about (b) (6), (b) (7)(C) score and you advised (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) could speak to your (b) (6), (b) (7)(C).

According to a witness, you and Officer (b) (6), (b) (7)(C) got into a verbal dispute near the "line". Officer (b) (6), (b) (7)(C) continued to ask what (b) (6), (b) (7)(C) score was and you said something like "I don't want to talk about it, it is pass or fail". You were both exchanging words in a heated manner. Officer (b) (6), (b) (7)(C) pulled up the OPOTA scoring system on (b) (6), (b) (7)(C) cell phone and continued to question you on why (b) (6), (b) (7)(C) had failed on the first attempt and your responded that you did not want to see it"

On (b) (6), (b) (7)(C) 2018, while in a meeting with CWRU Employee Relations you denied engaging in a verbal dispute with Officer (b) (6), (b) (7)(C) and stated that you did provide (b) (6), (b) (7)(C) the number of points (b) (6), (b) (7)(C) missed. In addition, you reviewed the silhouette with (b) (6), (b) (7)(C) to show (b) (6), (b) (7)(C) where (b) (6), (b) (7)(C) missed points causing (b) (6), (b) (7)(C) to fail on the first attempt.

Your actions violate the following CWRU Police Department Rules and Regulations and the Human Resources Policies and Procedures Manual, which prohibit the following conduct:

- CWRU Police Department Rules and Regulations Policy 1.0 Professional Conduct of Personnel: 1.3.14 - Personnel of the CWRU Police Department Shall Not: Be disrespectful or discourteous to any other personnel of the CWRU Police Department, CWRU, or students, faculty and guests of the University.
- CWRU Police Department Rules and Regulations Policy 2.0 General Duties and Responsibilities: 2.1.10 - Personnel of the Department Shall: Be Civil and orderly in dealing with all people. You must perform your duties quietly, avoiding harsh, violent, profane, or insolent language, and remain calm regardless of provocation.
- CWRU Policies 1-7, Work Environment / Professionalism and III-3; Positive Corrective Action - Inappropriate, unprofessional and disrespectful behavior, and failure to maintain professional interpersonal relationships with co-workers, supervisors, customers, or any member of the University Community.

As (b) (6), (b) (7)(C) you are expected to set the example and remain professional and appropriate at all times. It is not appropriate to engage in a verbal dispute during requalification, even if, you were frustrated or provoked.

POSITIVE CORRECTIVE ACTION REQUIRED:

Based upon the violations of university policy and your inappropriate and unprofessional conduct, you are being issued a verbal warning. You must be professional and appropriate in all interactions. Of course, you must perform the duties outlined in your job description and adhere to all university/departmental policies/procedures. Failure to do any of the above will result in further corrective action, up to and including termination.

Employee Relations will be identifying training sessions, either on a departmental or individual basis or possibly both, for you to participate in to further your understanding of expectations regarding professionalism in the workplace. Once the training has been identified you will be expected to participate in such training.

Your performance will be closely evaluated over the next 60 days. Failure to correct this behavior and/or any additional violation of university/departmental policies, failure to maintain satisfactory attendance, or failure successfully perform the duties of your job will result in further corrective action, up to and including termination.

Employee's Comments (if any): This information is false. I have four officer, one

being (b) (6), (b) (7)(C) that will state this information is false. I will hire an attorney to assist in this matter. I have also filed a staff grievance form. I did not violate any CWRU Policies or procedures and acted professional and appropriate at all times.

By signing below, you acknowledge that you have received this PCA Form. You are not acknowledging agreement with the information in the PCA Form and are not waiving any rights you may have.

In Lieu of disciplinary Actions, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 2d8
 EMPLOYEE SIGNATURE DATE SUPERVISOR SIGNATURE DATE

Employee Copy ☐ Employee Relations Copy ☐ Original to Employee File ☐

From: [Cendrosky, Sharlee](#)
To: wade.fricke@ogletree.com
Subject: NLRB Charge 08-CA-237257 Case Western Reserve Division of Public Safety
Date: Tuesday, March 19, 2019 11:32:48 AM
Attachments: [LTR 08-CA-237257 Case Western Reserve.pdf](#)

Hello Mr. Fricke,

Please see the attached letter requesting a statement of position and documents in the above referenced case. Please note a deadline of April 4, 2019, to submit all of your evidence.

Thanks,

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374
Cell: 202-664-9892
Facsimile: 216-522-2418

From: [Cendrosky, Sharlee](#)
To: [Hibbitt, Regina C.](#)
Subject: please mail this letter for me- my envelope is not working and Kim is absent. thanks!!
Date: Tuesday, March 19, 2019 11:06:00 AM
Attachments: [LTR 08-CA-237257 Case Western Reserve.pdf](#)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 8
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Agency Website: www.nlrb.gov
Telephone: (216)522-3715
Fax: (216)522-2418

Agent's Direct Dial: (216)303-7374

March 19, 2019

Email: wade.fricke@ogletree.com

Wade Fricke, Esq.
Ogletree Deakins
127 Public Square
Suite 4100
Cleveland, Ohio 44114

Re: Case Western Reserve University -
Division of Public Safety
Case 08-CA-237257

Dear Mr. Fricke:

I am writing this letter to advise you that it is now necessary for me to take evidence from you regarding the allegations raised in the investigation of the above-captioned matter. As explained below, I am requesting to take affidavits on or before April 1, 2019, with regard to certain allegations in this case.

Allegations: The allegations for which I am seeking your evidence are as follows. About (b) (6), (b) (7)(C) 2019, the Employer disciplined or retaliated against (b) (6), (b) (7)(C) by issuing (b) (6), (b) (7)(C) a suspension because of (b) (6), (b) (7)(C) union or protected concerted activities in violation of Sections 8(a)(1) and (3) of the Act.

Specifically, (b) (6), (b) (7)(C) alleges that on two separate occasions, (b) (6) participated in Union organizing efforts; the first in 2014 and most recently during the time period of May 2018 through January of 2019.

(b) (6), (b) (7)(C) alleges that in January of 2019, (b) (6) attended a mandatory meeting in which (b) (6), (b) (7)(C) told employees that (b) (6) was disappointed that the employees wanted to form a union and (b) (6), (b) (7)(C) then stated that the employees should have spoken to (b) (6), (b) (7)(C) directly if they had concerns rather than attempt to form a union¹. (b) (6), (b) (7)(C) then asked (b) (6), (b) (7)(C) police officer and known anti-union employee, to speak to the group. (b) (6), (b) (7)(C) alleges that (b) (6), (b) (7)(C) then stated "we don't know how good we have it" and "the University will fire us or replace us if we attempt to get a union." (b) (6), (b) (7)(C) further alleges that (b) (6) attempted to interrupt (b) (6), (b) (7)(C) by

¹ It is anticipated that (b) (6), (b) (7)(C) may amend the charge to allege that this statement by (b) (6), (b) (7)(C) violates Section 8(a)(1) of the Act.

staying that (b) (6), (b) (7)(C) should not be saying these things and (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6) needed to be quiet. (b) (6), (b) (7)(C) further alleges that (b) (6) was not given a chance to speak in the meeting². (b) (6), (b) (7)(C) further alleges that (b) (6), (b) (7)(C) attended an additional meeting with employees who were not able to make the first meeting and that (b) (6), (b) (7)(C) once again had (b) (6), (b) (7)(C) speak to employees.³

(b) (6), (b) (7)(C) alleges that sometime at the end of (b) (6), (b) (7)(C) 2019, (b) (6), (b) (7)(C) was asked to report to (b) (6), (b) (7)(C) office in Human Resources. During this meeting, (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) filed a complaint against (b) (6), (b) (7)(C) alleging that (b) (6), (b) (7)(C) stated “what the fuck are you doing?” (b) (6), (b) (7)(C) would not identify (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) alleges that (b) (6) asked (b) (6), (b) (7)(C) if (b) (6) was being disciplined for this incident and (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) no, that it was a he said, she said incident.

(b) (6), (b) (7)(C) alleges that on (b) (6), (b) (7)(C) 2019, (b) (6) was directing traffic at the intersection of Euclid and Adelbert. As (b) (6), (b) (7)(C) was flagging students through the intersection, a vehicle entered into the intersection and blew its horn at (b) (6), (b) (7)(C) almost striking (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) alleges that (b) (6) turned around, saw the vehicle and stated to the driver “this is an intersection you jack ass.” Once the students crossed the street, (b) (6), (b) (7)(C) waived the vehicle through and explained to (b) (6), (b) (7)(C) that (b) (6) needed to wait in the turning lane rather than enter the intersection.

(b) (6), (b) (7)(C) further alleges that (b) (6), (b) (7)(C) witnessed the incident, told (b) (6), (b) (7)(C) that (b) (6) needed an attitude adjustment and then pulled along side the driver and asked the driver to file a complaint against (b) (6), (b) (7)(C). Later that day, (b) (6), (b) (7)(C) called (b) (6), (b) (7)(C) and told (b) (6), (b) (7)(C) the (b) (6), (b) (7)(C) wanted (b) (6), (b) (7)(C) off the crosswalk and that (b) (6), (b) (7)(C) was to report to the roll call room. (b) (6), (b) (7)(C) met with (b) (6), (b) (7)(C) and attempted to explain the situation. (b) (6), (b) (7)(C) did not respond to (b) (6), (b) (7)(C) but instructed (b) (6), (b) (7)(C) to relieve (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C) weapon and report to Human Resources. (b) (6), (b) (7)(C) reported to Human Resources and was advised by (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was being placed on administrative leave.

(b) (6), (b) (7)(C) alleges that on (b) (6), (b) (7)(C), 2019, (b) (6), (b) (7)(C) was issued a written warning. (b) (6), (b) (7)(C) alleges that this written warning⁴ refers to the alleged (b) (6), (b) (7)(C) incident even though (b) (6), (b) (7)(C) previously told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) would not be disciplined for that incident.

(b) (6), (b) (7)(C) alleges that the majority of the officers swear, that it is the nature of the work, that both (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) have heard other officers swear ye (b) (6), (b) (7)(C) is the only one that has been disciplined.

² It is anticipated that (b) (6), (b) (7)(C) may amend the charge to allege that by providing (b) (6), (b) (7)(C) an opportunity to speak and not allowing (b) (6), (b) (7)(C) to speak (denial of access), that the Employer violated Section 8(a)(1) of the Act.

³ It is anticipated that (b) (6), (b) (7)(C) may amend the charge to allege that because (b) (6), (b) (7)(C) attended both meetings and gave the same speech, that the Employer directed (b) (6), (b) (7)(C) to make the statements, that (b) (6), (b) (7)(C) is an agent under Section 2(13) of the Act and therefore (b) (6), (b) (7)(C) statements violated Section 8(a)(1) of the Act.

⁴ (b) (6), (b) (7)(C) alleges that according to the progressive discipline policy in place, the (b) (6), (b) (7)(C) warning should have only been a verbal warning.

(b) (6), (b) (7)(C) alleges that in (b) (6), (b) (7)(C) of 2019, (b) (6) told (b) (6), (b) (7)(C) that (b) (6) felt as if (b) (6), (b) (7)(C) was being mistreated by (b) (6), (b) (7)(C) by constantly being investigated for little incidents that were unwarranted and (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) needed to speak with a counselor.

(b) (6), (b) (7)(C) further alleges that in early (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) sent an email to the officers indicated that (b) (6) wished to form a think group where employees could voice their concerns and create solutions to resolve grievances. (b) (6), (b) (7)(C) volunteered to participate in the think group. (b) (6), (b) (7)(C) alleges that (b) (6), (b) (7)(C) scheduled the meeting on a day that (b) (6), (b) (7)(C) had scheduled range training so that (b) (6), (b) (7)(C) could not participate.

(b) (6), (b) (7)(C) alleges that (b) (6), (b) (7)(C) written warning as well as its reference to the (b) (6), (b) (7)(C) incident violates Section 8(a)(1) and (3) of the Act.

Board Affidavits: I am requesting to take affidavits from (b) (6), (b) (7)(C) and any other individuals you believe have information relevant to the investigation of the above-captioned matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. Personnel file of (b) (6), (b) (7)(C) including but not limited to copies of all wage increases, performance reviews, awards, (and the dates(s) on which they occurred), disciplinary records, suspension paperwork, signed policy documents, etc. If there is a progressive discipline system in place, please note which discipline(s) occurred at what step of that system. Please redact social security number and do not include any banking information.
2. Please provide a copy investigative notes, emails, and other documents that the Employer relied upon in making its decision to issue the (b) (6), (b) (7)(C) 2019 written warning to (b) (6), (b) (7)(C). If an investigation was conducted, please identify all witnesses interviewed including their position with the company and provide their contact information. If no investigation was conducted, please state. If there are no documents, please state.
3. Copy of all policy documents referring to the use of foul language at work including but not limited to all policy violations listed in (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 2019, written warning.
4. For the last five years, copies of all disciplines/positive correction forms, issued to patrolman/officers for violating policies similar to those listed in (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 2019, written warning. If none exist, please state.

March 19, 2019

5. For the time period of January 2019, to current, a list of all managers and/or supervisors in charge of patrolman in the Department of Public Safety, including their job titles, providing a correct spelling of their names. In addition, please provide your position on the 2(13) status of (b) (6), (b) (7)(C) (see footnote 3).

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **April 4, 2019**. Be sure to address the allegations listed in the footnotes. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlrb.gov**, select **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (216)303-7374, or e-mail, sharlee.cendrosky@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

SHARLEE CENDROSKY
Field Attorney

From: [Cendrosky, Sharlee](#)
To: [Fricke, Wade M.](#)
Subject: RE: NLRB Charge 08-CA-237257 Case Western Reserve Division of Public Safety
Date: Thursday, April 11, 2019 10:30:10 AM
Attachments: [nlrbform5081 Commerce Questionnaire.pdf](#)

Hi Wade,

I don't yet have a completed commerce questionnaire for this case. Did you send one in yet? If not, I have attached a blank one. I will need this asap but no later than Wednesday 4/16/19. thanks

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374
Cell: 202-664-9892
Facsimile: 216-522-2418

From: Fricke, Wade M. <wade.fricke@ogletree.com>
Sent: Thursday, April 4, 2019 1:14 PM
To: Cendrosky, Sharlee <Sharlee.Cendrosky@nlrb.gov>
Subject: RE: NLRB Charge 08-CA-237257 Case Western Reserve Division of Public Safety

Here is the Company's response. You will get a hard copy tomorrow – which will include the thicker personnel file.

Please let me know if you have any questions.

Thank you for your attention to this.

Wade

Wade M. Fricke | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Key Tower, 127 Public Square, Suite 4100 | Cleveland, OH 44114 | Telephone: 216-357-4732 | Fax: 216-357-4733
wade.fricke@ogletree.com | www.ogletree.com | [Bio](#)

From: Cendrosky, Sharlee <Sharlee.Cendrosky@nlrb.gov>
Sent: Tuesday, March 19, 2019 11:33 AM
To: Fricke, Wade M. <Wade.Fricke@ogletreedekins.com>

Subject: NLRB Charge 08-CA-237257 Case Western Reserve Division of Public Safety

Hello Mr. Fricke,

Please see the attached letter requesting a statement of position and documents in the above referenced case. Please note a deadline of April 4, 2019, to submit all of your evidence.

Thanks,

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374

Cell: 202-664-9892

Facsimile: 216-522-2418

This transmission is intended only for the proper recipient(s). It is confidential and may contain attorney-client privileged information. If you are not the proper recipient, please notify the sender immediately and delete this message. Any unauthorized review, copying, or use of this message is prohibited.

**PLEASE REVIEW THE FOLLOWING
IMPORTANT INFORMATION BEFORE FILLING OUT A
QUESTIONNAIRE ON COMMERCE INFORMATION FORM!**

- Please call the Board Agent to whom the pending charge or petition is assigned for assistance in completing the questionnaire on commerce information form. The Agent will be happy to answer your questions about the information requested on the form. This form should be completed by your representative best qualified to give information concerning the legal status, revenues, as well as, operations of your business.
- In Questions 3, 4, 5 and 6, please provide all information requested including applicable zip codes and suite numbers.
- Under Questions 10A through F, check the appropriate box for question. If you are required to indicate a dollar amount in Questions 10A through F, do so in the box to the immediate right of the question. If the information requested under Questions 10 through E is not applicable to your business, state the same in the box to the immediate right of the question.
- After completing the questionnaire on commerce information form, be sure that the authorized representative completing the questionnaire on commerce signs and dates the questionnaire and mails, faxes or hand delivers the completed questionnaire to the appropriate Regional Office.
- The information provided in the questionnaire on commerce information should be based on your business records reflecting the total yearly amount of business done by your enterprise or the yearly amount of your sales or of your purchases.
- Be sure to include the telephone number of the party best qualified to provide further information concerning the operations of your business.
- The completed questionnaire on commerce information should be submitted to the Board Agent to whom the pending charge or petition is assigned. If charges or petitions are pending in two or more Regions, a Board Agent to whom any of the pending charge or petition is assigned will be happy to assist you in locating the appropriate Regional Office in which to file the questionnaire on commerce information.

CASE NUMBER

☐ SOLE PROPRIETORSHIP

OTHER (Describe)

B. NAME(S) AND ADDRESS(ES) OF PARENT, SUBSIDIARY, OR RELATED CORPORATION, IF ANY, AND DESCRIBE RELATIONSHIP.

FULL NAME AND COMPLETE ADDRESS OF ALL PARTNERS.

FULL NAME AND COMPLETE ADDRESS OF PROPRIETOR.

7. BRIEFLY DESCRIBE THE NATURE OF YOUR BUSINESS (General products handled or manufactured, or nature of services performed).

BRANCH(es) LOCATED AT:

B. AT THE ADDRESS INVOLVED IN THIS PROCEEDING

§

\$

§

§

§

§

☐ YES ☐ NO (If yes, give Name and Address of association or group).

	\$
--	----

TELEPHONE NUMBER

DATE _____

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

From: [Cendrosky, Sharlee](#)
To: [Fricke, Wade M.](#)
Subject: RE: NLRB Charge 08-CA-237257 Case Western Reserve Division of Public Safety
Date: Tuesday, April 16, 2019 8:39:00 AM

Thank you, and handwritten is o.k.

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374

Cell: 202-664-9892

Facsimile: 216-522-2418

From: Fricke, Wade M. <wade.fricke@ogletree.com>
Sent: Tuesday, April 16, 2019 8:21 AM
To: Cendrosky, Sharlee <Sharlee.Cendrosky@nlrb.gov>
Subject: RE: NLRB Charge 08-CA-237257 Case Western Reserve Division of Public Safety

[Here you go, Charlee.](#)

[Hope the handwritten version is okay!](#)

[Wade](#)

Wade M. Fricke | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Key Tower, 127 Public Square, Suite 4100 | Cleveland, OH 44114 | Telephone: 216-357-4732 | Fax: 216-357-4733
wade.fricke@ogletree.com | www.ogletree.com | [Bio](#)

From: Cendrosky, Sharlee <Sharlee.Cendrosky@nlrb.gov>
Sent: Thursday, April 11, 2019 10:30 AM
To: Fricke, Wade M. <Wade.Fricke@ogletreedekins.com>
Subject: RE: NLRB Charge 08-CA-237257 Case Western Reserve Division of Public Safety

Hi Wade,

I don't yet have a completed commerce questionnaire for this case. Did you send one in yet? If not, I have attached a blank one. I will need this asap but no later than Wednesday 4/16/19. thanks

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374
Cell: 202-664-9892
Facsimile: 216-522-2418

From: Fricke, Wade M. <wade.fricke@ogletree.com>
Sent: Thursday, April 4, 2019 1:14 PM
To: Cendrosky, Sharlee <Sharlee.Cendrosky@nlrb.gov>
Subject: RE: NLRB Charge 08-CA-237257 Case Western Reserve Division of Public Safety

Here is the Company's response. You will get a hard copy tomorrow – which will include the thicker personnel file.

Please let me know if you have any questions.

Thank you for your attention to this.

Wade

Wade M. Fricke | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Key Tower, 127 Public Square, Suite 4100 | Cleveland, OH 44114 | Telephone: 216-357-4732 | Fax: 216-357-4733
wade.fricke@ogletree.com | www.ogletree.com | [Bio](#)

From: Cendrosky, Sharlee <Sharlee.Cendrosky@nlrb.gov>
Sent: Tuesday, March 19, 2019 11:33 AM
To: Fricke, Wade M. <Wade.Fricke@ogletreedekins.com>
Subject: NLRB Charge 08-CA-237257 Case Western Reserve Division of Public Safety

Hello Mr. Fricke,

Please see the attached letter requesting a statement of position and documents in the above referenced case. Please note a deadline of April 4, 2019, to submit all of your evidence.

Thanks,

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374

Cell: 202-664-9892

Facsimile: 216-522-2418

This transmission is intended only for the proper recipient(s). It is confidential and may contain attorney-client privileged information. If you are not the proper recipient, please notify the sender immediately and delete this message. Any unauthorized review, copying, or use of this message is prohibited.

This transmission is intended only for the proper recipient(s). It is confidential and may contain attorney-client privileged information. If you are not the proper recipient, please notify the sender immediately and delete this message. Any unauthorized review, copying, or use of this message is prohibited.

From: [Cendrosky, Sharlee](#)
To: [d.g.phillips](#)
Subject: RE: Case Western Reserve University/(b) (6), (b) (7)(C) NLRB Case 08-CA-237257
Date: Tuesday, April 16, 2019 12:09:00 PM

Yes, please let me know tomorrow.

Thank you

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374

Cell: 202-664-9892

Facsimile: 216-522-2418

From: d.g.phillips <d.g.phillips@sbcglobal.net>
Sent: Tuesday, April 16, 2019 11:59 AM
To: Cendrosky, Sharlee <Sharlee.Cendrosky@nlrb.gov>
Subject: RE: Case Western Reserve University/(b) (6), (b) (7)(C) NLRB Case 08-CA-237257

I'm in mediation this afternoon I will speak to (b) (6), (b) (7)(C) this evening and try to get back to you sometime tomorrow

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Cendrosky, Sharlee" <Sharlee.Cendrosky@nlrb.gov>
Date: 2019/04/16 11:44 AM (GMT-05:00)
To: David Glenn Phillips <d.g.phillips@sbcglobal.net>
Subject: RE: Case Western Reserve University/(b) (6), (b) (7)(C) NLRB Case 08-CA-237257

Hi David,

Thank you for the follow up email. I will upload this email into the case file for (b) (6), (b) (7)(C) I need to make a recommendation on this case shortly. In that regard, it might be best for (b) (6), (b) (7)(C) to withdraw and then refile the charge to allow more time for (b) (6), (b) (7)(C) to gather evidence related to disparate treatment as well as time for the

Employer to respond to that evidence.

You are correct, that there is a 6-month time frame under Section 10(b) for (b) (6), (b) (7)(C) to pursue (b) (6), (b) (7)(C) claim. If (b) (6), (b) (7)(C) wishes to withdraw the charge at this time, let me know and I can process (b) (6), (b) (7)(C) request.

Thank you

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374

Cell: 202-664-9892

Facsimile: 216-522-2418

From: David Glenn Phillips <d.g.phillips@sbcglobal.net>

Sent: Tuesday, April 16, 2019 10:26 AM

To: Cendrosky, Sharlee <Sharlee.Cendrosky@nllrb.gov>

Subject: RE: Case Western Reserve University/ (b) (6), (b) (7)(C) NLRB Case 08-CA-237257

Ms. Cendrosky,

Ms. Cendrosky,

My client would like to make the following statements related to your April 10, 2019 email:

- (b) (6), (b) (7)(C) has not admitted using profane language in both incidents. In fact, (b) (6), (b) (7)(C) does not even recall the first incident taking place *and* (b) (6), (b) (7)(C) was told by Case's HR department that the matter was dismissed due to lack of evidence that (b) (6), (b) (7)(C) was involved.

- In terms of evidence of disparate treatment – i.e., instances where other officers have used profane language and not been disciplined – my client knows that such occurred within the Case Police Department, and while (b) (6), (b) (7)(C) has located no one who will provide corroboration – (b) (6), (b) (7)(C) witnessed at least one occurrence (b) (6), (b) (7)(C). At about the same time as (b) (6), (b) (7)(C) discipline, (b) (6), (b) (7)(C) observed another officer, (b) (6), (b) (7)(C) use profanity with a woman driver who committed a traffic offense. This incident was known to Case (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), and as far as (b) (6), (b) (7)(C) knows – no discipline was issued to Officer (b) (6), (b) (7)(C).

We understand that evidence of disparate treatment is significant to (b) (6), (b) (7)(C) claim, and as such (b) (6), (b) (7)(C) would like additional time to locate an additional individuals who could provide statements of such corroboration where discipline did not occur. But we also believe

that the timing of the discipline here – considering the facts leading up to the incident is significant in terms of the temporal proximity for a causal connection related to (b) (6), (b) (7)(C) retaliation claim. *See, Harrison v. Metro Gov'n't of Nashville*, 80 F.3d 1107, 1118-19 (6th Cir. 1996); *Ningard v. Shin-Etsu Silicones*, 2009-Ohio-3171 ¶17 (App. Summit Co. 2009). Given this, if more time cannot be provided for (b) (6), (b) (7)(C) to seek additional evidence of disparate treatment, then a withdrawal would be preferred so that (b) (6) could preserve (b) (6), (b) (7)(C) claim. My understanding is that under 29 U.S.C. §160(b) (b) (6) could still pursue the claim within six months of (b) (6), (b) (7)(C) 2019.

Please let me know your thoughts on what I have presented above.

David Glenn Phillips
Attorney at Law
The Brown Hoist Building
4403 St. Clair Avenue
Cleveland, Ohio 44103
(216) 531-0123
fax 216-881-3928
d.g.phillips@sbcglobal.net
civilrightslaw@sbcglobal.net

From: Cendrosky, Sharlee [<mailto:Sharlee.Cendrosky@nrlb.gov>]
Sent: Wednesday, April 10, 2019 12:45 PM
To: d.g.phillips@sbcglobal.net
Subject: Case Western Reserve University/ (b) (6), (b) (7)(C) NLRB Case 08-CA-237257
Importance: High

Hi David,

I have a follow up question for you and (b) (6), (b) (7)(C). It would be great if you could respond to this questions/and or provide the evidence I am requesting **no later than April 16th** as I will be making my recommendation for this case at that time.

The Employer submits that it disciplined (b) (6), (b) (7)(C) for twice using profane language – once directed at (b) (6), (b) (7)(C) and the other at a (b) (6), (b) (7)(C) driver- while (b) (6), (b) (7)(C) was on duty. The Employer further submits that while officers may use profane language without discipline when they are away from the public and amongst each other that is different than an officer swearing at a member of the public, a student or a professor while on duty. **In that regard, does (b) (6), (b) (7)(C) have any evidence/knowledge of another officer who swore at a member of the public or (b) (6), (b) (7)(C) while on duty and was NOT disciplined?** Although (b) (6), (b) (7)(C) testified that other employees have used profane language at work, that is not the same as evidence that other officers have sworn at (b) (6), (b) (7)(C) or the public

and were not issued discipline. In order to show disparate treatment and/or retaliation for union activity, (b) (6), (b) (7)(C) needs to present evidence that others committed the same infractions but were not disciplined because they were not union supporters.

Without this evidence, I will be making a recommendation of no-merit as (1) the discipline is not pre-textual- i.e. (b) (6), (b) (7)(C) has admitted to using some form of profane language in both incidents, and (2) there is no evidence of disparate treatment. *See Joseph Chevrolet, Inc.*, 343 NLRB 7, 16 (2004); *Consolidated Biscuit Co.*, 346 NLRB 1175, at 1186 (2006). Also, it is important to note that even if (b) (6), (b) (7)(C) could establish a prima facie case, an employer can overcome it by demonstrating it would have taken the adverse action in the absence of the protected activity. *See Wright Line*, 251 NLRB 1083 (1980).

Please let me know no later than April 16th if (b) (6), (b) (7)(C) has any evidence of disparate treatment. If (b) (6) does not, I will be making a recommendation to dismiss the case based on lack of merit.

In lieu of a dismissal recommendation – and a letter issuing to the Employer that our office dismissed the case- (b) (6), (b) (7)(C) does have the option to withdraw (b) (6), (b) (7)(C) charge. If (b) (6) chooses to withdraw the charge (prior to a final recommendation), (b) (6), (b) (7)(C) could refile the charge at a later date within the 10(b) period assuming (b) (6) discovered evidence of disparate treatment.

Please contact me should you have any questions.

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374
Cell: 202-664-9892
Facsimile: 216-522-2418

From: [Fricke, Wade M.](#)
To: [Cendrosky, Sharlee](#)
Subject: RE: NLRB Charge 08-CA-237257 Case Western Reserve Division of Public Safety
Date: Tuesday, April 16, 2019 8:21:47 AM
Attachments: [doc20190416082423.pdf](#)

Here you go, Charlee.

Hope the handwritten version is okay!

Wade

Wade M. Fricke | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

Key Tower, 127 Public Square, Suite 4100 | Cleveland, OH 44114 | Telephone: 216-357-4732 | Fax: 216-357-4733

wade.fricke@ogletree.com | www.ogletree.com | [Bio](#)

From: Cendrosky, Sharlee <Sharlee.Cendrosky@nlrb.gov>
Sent: Thursday, April 11, 2019 10:30 AM
To: Fricke, Wade M. <Wade.Fricke@ogletreedekins.com>
Subject: RE: NLRB Charge 08-CA-237257 Case Western Reserve Division of Public Safety

Hi Wade,

I don't yet have a completed commerce questionnaire for this case. Did you send one in yet? If not, I have attached a blank one. I will need this asap but no later than Wednesday 4/16/19. thanks

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374

Cell: 202-664-9892

Facsimile: 216-522-2418

From: Fricke, Wade M. <wade.fricke@ogletree.com>
Sent: Thursday, April 4, 2019 1:14 PM
To: Cendrosky, Sharlee <Sharlee.Cendrosky@nlrb.gov>
Subject: RE: NLRB Charge 08-CA-237257 Case Western Reserve Division of Public Safety

Here is the Company's response. You will get a hard copy tomorrow – which will include the

thicker personnel file.

Please let me know if you have any questions.

Thank you for your attention to this.

Wade

Wade M. Fricke | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

Key Tower, 127 Public Square, Suite 4100 | Cleveland, OH 44114 | Telephone: 216-357-4732 | Fax: 216-357-4733

wade.fricke@ogletree.com | www.ogletree.com | [Bio](#)

From: Cendrosky, Sharlee <Sharlee.Cendrosky@nlrb.gov>

Sent: Tuesday, March 19, 2019 11:33 AM

To: Fricke, Wade M. <Wade.Fricke@ogletreedekins.com>

Subject: NLRB Charge 08-CA-237257 Case Western Reserve Division of Public Safety

Hello Mr. Fricke,

Please see the attached letter requesting a statement of position and documents in the above referenced case. Please note a deadline of April 4, 2019, to submit all of your evidence.

Thanks,

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374

Cell: 202-664-9892

Facsimile: 216-522-2418

This transmission is intended only for the proper recipient(s). It is confidential and may contain attorney-client privileged information. If you are not the proper recipient, please notify the sender immediately and delete this message. Any unauthorized review, copying, or use of this message is prohibited.

This transmission is intended only for the proper recipient(s). It is confidential and may contain attorney-client privileged information. If you are not the proper recipient, please notify the sender immediately and delete this message. Any unauthorized review, copying, or use of this message is prohibited.

Please read carefully. Answer all applicable items and return to the Regional Office. If additional space is required, use plain bond paper and identify item number.

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

From: [David Glenn Phillips](#)
To: [Cendrosky, Sharlee](#)
Subject: RE: Case Western Reserve University/ (b) (6), (b) (7)(C) NLRB Case 08-CA-237257
Date: Thursday, April 18, 2019 11:46:56 AM

Ms. Cendrosky,

I'm sorry I just got back to my office today. My client will agree to withdraw (b) (6) claim so that (b) (6) locate additional evidence of disparate treatment.

David Glenn Phillips
Attorney at Law
The Brown Hoist Building
4403 St. Clair Avenue
Cleveland, Ohio 44103
(216) 531-0123
fax 216-881-3928
d.g.phillips@sbcglobal.net
civilrightslaw@sbcglobal.net

From: Cendrosky, Sharlee [mailto:Sharlee.Cendrosky@nlrb.gov]
Sent: Thursday, April 18, 2019 10:15 AM
To: David Glenn Phillips
Subject: RE: Case Western Reserve University/ (b) (6), (b) (7)(C) NLRB Case 08-CA-237257

Please let me know as soon as you can this morning- I am holding off on sending my recommendation but I will need to make it by noon today.

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374
Cell: 202-664-9892
Facsimile: 216-522-2418

From: David Glenn Phillips <d.g.phillips@sbcglobal.net>
Sent: Wednesday, April 17, 2019 3:44 PM
To: Cendrosky, Sharlee <Sharlee.Cendrosky@nlrb.gov>
Subject: RE: Case Western Reserve University/ (b) (6), (b) (7)(C) NLRB Case 08-CA-237257

I will provide you with one as soon as possible. No later than tomorrow (4/18) early in the day

David Glenn Phillips
Attorney at Law
The Brown Hoist Building
4403 St. Clair Avenue
Cleveland, Ohio 44103
(216) 531-0123
fax 216-881-3928
d.g.phillips@sbcglobal.net
civilrightslaw@sbcglobal.net

From: Cendrosky, Sharlee [<mailto:Sharlee.Cendrosky@nlrb.gov>]
Sent: Wednesday, April 17, 2019 12:53 PM
To: d.g.phillips
Subject: RE: Case Western Reserve University/ (b) (6), (b) (7)(C) NLRB Case 08-CA-237257

Any update?

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374
Cell: 202-664-9892
Facsimile: 216-522-2418

From: d.g.phillips <d.g.phillips@sbcglobal.net>
Sent: Tuesday, April 16, 2019 11:59 AM
To: Cendrosky, Sharlee <Sharlee.Cendrosky@nlrb.gov>
Subject: RE: Case Western Reserve University/ (b) (6), (b) (7)(C) NLRB Case 08-CA-237257

I'm in mediation this afternoon I will speak to (b) (6), (b) (7)(C) this evening and try to get back to you sometime tomorrow

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Cendrosky, Sharlee" <Sharlee.Cendrosky@nlrb.gov>

Date: 2019/04/16 11:44 AM (GMT-05:00)

To: David Glenn Phillips <d.g.phillips@sbcglobal.net>

Subject: RE: Case Western Reserve University/ (b) (6), (b) (7)(C) NLRB Case 08-CA-237257

Hi David,

Thank you for the follow up email. I will upload this email into the case file for (b) (6), (b) (7)(C). I need to make a recommendation on this case shortly. In that regard, it might be best for (b) (6), (b) (7)(C) to withdraw and then refile the charge to allow more time for (b) (6), (b) (7)(C) to gather evidence related to disparate treatment as well as time for the Employer to respond to that evidence.

You are correct, that there is a 6-month time frame under Section 10(b) for (b) (6), (b) (7)(C) to pursue (b) (6), (b) (7)(C) claim. If (b) (6), (b) (7)(C) wishes to withdraw the charge at this time, let me know and I can process (b) (6), (b) (7)(C) request.

Thank you

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374

Cell: 202-664-9892

Facsimile: 216-522-2418

From: David Glenn Phillips <d.g.phillips@sbcglobal.net>

Sent: Tuesday, April 16, 2019 10:26 AM

To: Cendrosky, Sharlee <Sharlee.Cendrosky@nlrb.gov>

Subject: RE: Case Western Reserve University/ (b) (6), (b) (7)(C) NLRB Case 08-CA-237257

Ms. Cendrosky,

Ms. Cendrosky,

My client would like to make the following statements related to your April 10, 2019 email:

- (b) (6), (b) (7)(C) has not admitted using profane language in both incidents. In fact, (b) (6), (b) (7)(C) does not even recall the first incident taking place and (b) (6), (b) (7)(C) was told by Case's HR

department that the matter was dismissed due to lack of evidence that [REDACTED] was involved.

• In terms of evidence of disparate treatment – i.e., instances where other officers have used profane language and not been disciplined – my client knows that such occurred within the Case Police Department, and while [REDACTED] has located no one who will provide corroboration – (b) (6), (b) (7)(C) witnessed at least one occurrence [REDACTED]. At about the same time as [REDACTED] discipline, (b) (6), (b) (7)(C) observed another officer, (b) (6), (b) (7)(C), use profanity with a woman driver who committed a traffic offense. This incident was known to Case [REDACTED] (b) (6), (b) (7)(C), and as far as (b) (6), (b) (7)(C) knows – no discipline was issued to Officer [REDACTED] (b) (6), (b) (7)(C).

We understand that evidence of disparate treatment is significant to (b) (6), (b) (7)(C) claim, and as such [REDACTED] would like additional time to locate an additional individuals who could provide statements of such corroboration where discipline did not occur. But we also believe that the timing of the discipline here – considering the facts leading up to the incident is significant in terms of the temporal proximity for a causal connection related to [REDACTED] retaliation claim. See, Harrison v. Metro Gov'n't of Nashville, 80 F.3d 1107, 1118-19 (6th Cir. 1996); Ningard v. Shin-Etsu Silicones, 2009-Ohio-3171 ¶17 (App. Summit Co. 2009). Given this, if more time cannot be provided for (b) (6), (b) (7)(C) to seek additional evidence of disparate treatment, then a withdrawal would be preferred so that [REDACTED] could preserve [REDACTED] claim. My understanding is that under 29 U.S.C. §160(b) [REDACTED] could still pursue the claim within six months of [REDACTED] (b) (6), (b) (7)(C) 2019.

Please let me know your thoughts on what I have presented above.

David Glenn Phillips
Attorney at Law
The Brown Hoist Building
4403 St. Clair Avenue
Cleveland, Ohio 44103
(216) 531-0123
fax 216-881-3928
d.g.phillips@sbcglobal.net
civilrightslaw@sbcglobal.net

From: Cendrosky, Sharlee [<mailto:Sharlee.Cendrosky@nrlb.gov>]
Sent: Wednesday, April 10, 2019 12:45 PM
To: d.g.phillips@sbcglobal.net
Subject: Case Western Reserve University/ (b) (6), (b) (7)(C) NLRB Case 08-CA-237257
Importance: High

Hi David,

I have a follow up question for you and (b) (6), (b) (7)(C). It would be great if you could respond to this questions/and or provide the evidence I am requesting **no later than**

April 16th as I will be making my recommendation for this case at that time.

The Employer submits that it disciplined (b) (6), (b) (7)(C) for twice using profane language – once directed at (b) (6), (b) (7)(C) and the other at a (b) (6), (b) (7)(C) driver- while (b) (6), (b) (7)(C) was on duty. The Employer further submits that while officers may use profane language without discipline when they are away from the public and amongst each other that is different than an officer swearing at a member of the public, a student or a professor while on duty. **In that regard, does (b) (6), (b) (7)(C) have any evidence/knowledge of another officer who swore at a member of the public or (b) (6), (b) (7)(C) while on duty and was NOT disciplined?** Although (b) (6), (b) (7)(C) testified that other employees have used profane language at work, that is not the same as evidence that other officers have sworn at (b) (6), (b) (7)(C) or the public and were not issued discipline. In order to show disparate treatment and/or retaliation for union activity, (b) (6), (b) (7)(C) needs to present evidence that others committed the same infractions but were not disciplined because they were not union supporters.

Without this evidence, I will be making a recommendation of no-merit as (1) the discipline is not pre-textual- i.e. (b) (6), (b) (7)(C) has admitted to using some form of profane language in both incidents, and (2) there is no evidence of disparate treatment. *See Joseph Chevrolet, Inc.*, 343 NLRB 7, 16 (2004); *Consolidated Biscuit Co.*, 346 NLRB 1175, at 1186 (2006). Also, it is important to note that even if (b) (6), (b) (7)(C) could establish a prima facie case, an employer can overcome it by demonstrating it would have taken the adverse action in the absence of the protected activity. *See Wright Line*, 251 NLRB 1083 (1980).

Please let me know no later than April 16th if (b) (6), (b) (7)(C) has any evidence of disparate treatment. If (b) (6) does not, I will be making a recommendation to dismiss the case based on lack of merit.

In lieu of a dismissal recommendation – and a letter issuing to the Employer that our office dismissed the case- (b) (6), (b) (7)(C) does have the option to withdrawal (b) (6), (b) (7)(C) charge. If (b) (6), (b) (7)(C) chooses to withdrawal the charge (prior to a final recommendation), (b) (6), (b) (7)(C) could refile the charge at a later date within the 10(b) period assuming (b) (6), (b) (7)(C) discovered evidence of disparate treatment.

Please contact me should you have any questions.

Sharlee Cendrosky, Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 East Ninth Street, Room 1695
Cleveland, Ohio 44199

Direct Dial: 216-303-7374
Cell: 202-664-9892
Facsimile: 216-522-2418